

Part 11 – Caveat

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Part 11 – Caveat

General Law

Definitions

[11-0000]

A ‘caveat’ is a notice to the Registrar which, subject to some exceptions, has the effect of prohibiting the registration of an instrument or document, including a prior unregistered instrument or document (unless expressly excluded in the caveat) affecting the interest claimed by the caveator until the caveat is withdrawn, removed, lapses or is cancelled. The purpose of a caveat is to allow time for parties to apply to the court to enforce or determine an interest in a lot, or a lease, sub-lease, licence or an interest in a reserve under the *Land Act 1994*.

²However, as a caveat does not provide all of the benefits of the Torrens System and the *Land Title Act 1994*, it should not be seen as a viable alternative to registering the interest.

‘Caveator’, for a lot under the Land Title Act, means a person in whose favour the caveat is lodged (s. 4 of the Land Title Act).

‘Caveator’ for a lease, licence or an interest in a reserve under the Land Act over which a caveat has been lodged, means a person in whose favour the caveat is lodged (s. 3 of the Land Act).

‘Caveatee’, for a lot under the Land Title Act over which a caveat has been lodged, means:

- a registered proprietor of the lot; or
- someone (other than the caveator) who has an interest in the lot (s. 4 of the Land Title Act).

‘Caveatee’ for a lease, licence or interest in a reserve under the Land Act, over which a caveat has been lodged, means:

- a lessee of the lease or licensee of the licence; or
- someone, other than the caveator, who has an interest in the lease or licence; or
- the holder of an interest in a reserve (s. 3 of the Land Act).

Requirements of a Caveat

[11-0010]

Sections 121(1), (2) and (2A) of the *Land Title Act 1994* and s. 389C (1), (2) and (2A) of the *Land Act 1994* provide that a caveat must be signed by or on behalf of the caveator and the caveat must state:

- the name of the caveator;
- an address where documents can be served on the caveator (the address stated may be the address of a stated legal practitioner);
- ²unless dispensed with by the Registrar, the name and address of the registered owner of the lot affected by the caveat and each other person whose interest or whose right to registration of an instrument is affected by the caveat;

- ^{1,3}unless dispensed with by the Registrar of Titles, the name and address of the lessee or licensee affected by the caveat and each other person whose interest or whose right to registration of a document is affected by the caveat;
- the registered interest affected by the caveat;
- ²if the caveat relates to only a part of the lot or part of a water allocation – a description of the affected part or in the case of a water allocation the number of megalitres affected;
- the interest claimed by the caveator; and
- the grounds on which the interest is claimed.

These requirements apply to all caveats under the Land Title Act and the Land Act other than a caveat prepared and registered by:

- the Registrar under s. 17 of the Land Title Act (s. 121(3) of the Land Title Act); or
- the Registrar of Titles under s. 389L of the Land Act (s. 389C (3) of the Land Act).

Refer to [11-2100] for information regarding requisitions and rejection.

Persons Who May Lodge Caveat

[11-0020]

²Under the *Land Title Act 1994*

²Part 7, Division 2 is the division of the *Land Title Act 1994* that generally deals with the lodgement of caveats relating to interests in or over interests in freehold land and water allocations. Pursuant to s. 122(1) of the Land Title Act a caveat may be lodged by:

- a person claiming an interest in a lot;
- the Registrar under s. 17;
- the registered owner of the lot;
- a person to whom an Australian court has ordered that an interest in a lot be transferred
- a person who has the benefit of a subsisting order of an Australian court in restraining a registered proprietor from dealing with a lot.

²Section 122(2) of the Land Title Act makes it clear that an equitable mortgagee can only lodge a lapsing caveat.

²Provision is also made for the lodgement of a caveat in the following circumstances:

- ¹by a person objecting to an application for adverse possession (s. 104 of the Land Title Act);
- pursuant to an order of the Supreme Court when a person applies for an order that another person be registered as proprietor of a lot (s. 114 of the Land Title Act); and
- by a purchaser under an instalment contract (s. 74 of the *Property Law Act 1974*); and
- by an interest holder in a water allocation who has given notice under s. 73(1)(b) of the *Water Act 2000* (s. 171(3) of the Water Act).

1.3 Under the *Land Act 1994*

^{1,3} Chapter 6, Part 4, Division 11A of the *Land Act 1994* deals with the lodgement of caveats relating to interests in State land. Pursuant to s. 389D (1) of the Land Act a caveat may be lodged by:

- the Registrar of Titles under s. 389L(1); or
- a person to whom an Australian court has ordered that an interest in a lease or licence be transferred; or
- a person who has the benefit of a subsisting order of an Australian court in restraining a lessee from dealing with a lease or licensee from dealing with a licence.

2A Person Claiming an Interest in a Lot

[11-0030]

Pursuant to s. 122(1)(a) of the *Land Title Act 1994*, a person claiming an interest in a lot may lodge a caveat. The caveator must identify an interest in the lot in the caveat.

Caveatable interests

It is not within the scope of this manual to give an exhaustive list of caveatable and non-caveatable interests. The following are some examples of interests capable of supporting a caveat:

- The interest of a purchaser under a valid unconditional contract of sale. See Example 1 and the guide to completion at [11-4010].

While this represents a valid interest, the need for such a caveat has generally been superseded by priority notices (see Part 23 – Priority Notice, Extension of Priority Notice and Withdrawal of Priority Notice).

- The interest of a chargee under an agreement which specifically charges the land. See Example 2 and the guide to completion at [11-4010].
- The interest of an unregistered mortgagee (i.e. an equitable mortgagee). See Example 3 and the guide to completion at [11-4010].

An equitable mortgagee can only lodge a lapsing caveat (s. 122(2) of the *Land Title Act 1994*).

Mortgagees seeking the best protection available under the Torrens System should register their mortgage. An equitable mortgagee's caveat lapses unless an action is commenced in a court of competent jurisdiction. Equitable mortgagees' caveats are only appropriate if the mortgagee needs to commence a court action to enforce their mortgage.

- The interest of a beneficiary of a constructive, resulting or implied trust. See Example 4 and the guide to completion at [11-4010].
- The interest of the trustee in bankruptcy following the vesting of the property under section 58 of the *Bankruptcy Act 1966* (Cth). See Example 5 and the guide to completion at [11-4010].

See further [11-4040], [11-4050] and [11-4055].

Interests that are not caveatable

Rights and interests that are unlikely to sustain a caveat include, for example:

- A vendor's right to unpaid purchase money as this is not capable of giving rise to any equitable lien on the lot (s. 191 of the *Land Title Act 1994*).
- Judgement debts owed to financiers and other creditors.
- Personal contractual rights or a personal interest in land.
- The mere possibility of obtaining a court order or success in court.
- A right of first refusal or a right of pre-emption.
- The interest of a beneficiary under a discretionary trust.

See further [11-2020].

²Registrar (*Land Title Act 1994*)**[11-0040]**

Pursuant to ss. 17(1) to (4) of the *Land Title Act 1994*, the Registrar may prepare and register a caveat over a lot or an interest in a lot, in favour of a person, to prevent a dealing with the lot that may prejudice:

- the Commonwealth, a State or a local government;
- a minor;
- a person who is intellectually or mentally impaired or is incapable of managing his/her own affairs;
- a person who is absent from the State;
- a person because of misdescription of the lot or its boundaries, or fraud or forgery;
- a person to whom a notice has been given, or has been required to be given, under s. 30(3) of the *Land Title Act*; or
- a person, other than a person mentioned in any of the above, who has an interest in the lot.

Also, the Registrar may act under section 17 to prevent a dealing with a lot to give effect to an order of a court of competent jurisdiction directed to the Registrar or upon the receipt of a submission in writing, provided it is supported by relevant evidence, from a person who is in a position to protect the interest, for example:

- the Attorney General in respect of the State or the Commonwealth;
- the guardian of a minor or some other person concerned about the rights of a minor;
- the Public Trustee or an administrator appointed for a person who has impaired capacity for a matter; or
- a person absent from the State or his/her solicitor.

In all cases, good reasons would have to be demonstrated before the Registrar would exercise the discretion.

The Registrar may only prepare and register a caveat under s. 17 of the Land Title Act in one of the circumstances set out in the Act.

A Registrar's caveat does not lapse (s. 126(1)(d) of the Land Title Act).

A Registrar's caveat may be removed by:

- voluntary withdrawal by the Registrar; or
- a court order.

The remedy available to the caveatee to apply to the Supreme Court under s. 127 of *the Land Title Act* for an order that the caveat be removed, applies equally to caveats lodged by the Registrar.

^{1,3}Registrar of Titles (*Land Act 1994*)

[11-0045]

Pursuant to ss. 389L(1) to (4) of the *Land Act 1994*, the Registrar of Titles may prepare and register a caveat over a relevant tenure in favour of the State, to prevent a dealing with the relevant tenure that may prejudice:

- the Commonwealth, a State or a relevant local government;
- a person who is intellectually or mentally impaired or is incapable of managing his/her own affairs;
- a person who is absent from the State;
- a person because of misdescription of the tenure, or fraud or forgery;
- a person to whom a notice has been given, or has been required to be given, under s. 295(2) of the Land Act; or
- a person, other than a person mentioned in any of the above, who has an interest in the relevant tenure.

The Registrar of Titles may also act under s. 389L(1) to prepare and register a caveat to prevent a dealing with a relevant tenure if the relevant tenure is to be extinguished; or to give effect to an order of a court of competent jurisdiction directed to the Registrar of Titles.

²Registered Owner

[11-0050]

Generally, a registered owner (irrespective of tenancy) is entitled to lodge a caveat which does not lapse (ss. 122(1)(c) and 126(1)(a) of the *Land Title Act 1994*). However, this does not entitle a registered owner to lodge a caveat without valid grounds to support it. The caveat will be requisitioned if valid grounds are not included to support the caveat. If details of the grounds are not then provided, the caveat will be rejected.

A caveat lodged by a registered owner will lapse where the lot is subject to a mortgage and the grounds stated in the caveat relate to the actions of the mortgagee in relation to registration of the mortgage (if the mortgage is already registered) or in relation to the mortgagee's power of sale (s. 126(1A) of the Land Title Act). In these situations, the caveat will be subject to the lapsing provisions of s. 126 of the Land Title Act (see [11-0190]).

Section 124(2) of the Land Title Act identifies instruments which are not prevented from being registered by lodgement of a caveat.

A joint tenant cannot, by caveat, prevent other joint tenants severing the joint tenancy.

Court Order

[11-0060]

Section 122(1)(d) of the *Land Title Act 1994* and s. 389D(1)(b) of the *Land Act 1994* provide that a person to whom an Australian court has ordered that an interest in a lot under the Land Title Act, or an interest in a lease or licence under the Land Act be transferred, may lodge a caveat. For example, if the Family Court ordered that a person transfer his/her interest in the matrimonial home to his/her spouse, this would be an interest sufficient to support a caveat. However, a caveat may not be lodged on this ground if the court order does not order an interest transferred, but rather merely indicates that a spouse has an interest and can lodge a caveat.

Pursuant to s. 122(1)(e) of the Land Title Act and s. 389D(1)(c) of the Land Act, when an Australian court has given an order restraining a registered proprietor under the Land Title Act, or a lessee or licensee under the Land Act from dealing with a lot or interest, the person with the benefit of that order may lodge a caveat.

Order under the *Criminal Proceeds Confiscation Act 2002*

Forfeiture Order

[11-0063]

Sections 58 and 151 of the *Criminal Proceeds Confiscation Act 2002* (Qld) provide that the court may issue a forfeiture order. If a forfeiture order is made, an interest sufficient to sustain a caveat in keeping with s. 122(1)(d) of the *Land Title Act 1994* and s. 389D(1)(b) of the *Land Act 1994* exists.

Either the Crime and Corruption Commission or the Commissioner of Police may lodge a caveat if a forfeiture order is made and that caveat prevents registration of any instrument or document in keeping with s. 122(1)(d) of the Land Title Act and s. 389D(1)(b) of the Land Act.

An authorised officer of the Crime and Corruption Commission or the Commissioner of Police may execute a caveat lodged pursuant to ss. 58 or 151 of the Criminal Proceeds Confiscation Act.

The Registrar will not inquire as to the authority of the person who executes these caveats.

No lodgement fee is payable by the State for the registration of the caveat (s. 264 of the Criminal Proceeds Confiscation Act).

Restraining Order

[11-0066]

Under s. 31 of the *Criminal Proceeds Confiscation Act 2002* (Qld), a restraining order may be made in relation to property. If a restraining order is made under s. 31, an interest sufficient to sustain a caveat in keeping with s. 122(1)(e) of the *Land Title Act 1994* and s. 389D(1)(c) of the *Land Act 1994* exists (ss. 51(5) and 142(5) of the Criminal Proceeds Confiscation Act).

The Crime and Corruption Commission or the Commissioner of Police or the Director of Public Prosecutions may lodge a caveat if a restraining order is made and that caveat prevents registration of any dealing in keeping with s. 122(1)(d) of the Land Title Act and s. 389D(1)(b) of the Land Act (ss. 51(5) and 142(5) of the Criminal Proceeds Confiscation Act).

The Registrar will not inquire as to the authority of the person who executes these caveats.

No lodgement fee is payable by the State for the registration of the caveat (s. 264 of the Criminal Proceeds Confiscation Act).

1.2 Adverse Possession**[11-0070]**

Section 104 of the *Land Title Act 1994* makes provision for a person who claims an interest in a lot to lodge a caveat over the lot at any time before the applicant (adverse possessor) is registered as owner of the lot.

If the Registrar is satisfied that the caveator has an interest in the lot that has not been extinguished under the *Limitation of Actions Act 1974*, the Registrar may:

- refuse to register the applicant for title by adverse possession as owner of the lot (s. 107(1)(a) of the Land Title Act); or
- register the applicant as the holder of a lesser interest in the lot that the Registrar considers appropriately reflects the use made of the lot by the applicant and the period that the applicant has used the lot (s. 107(1)(b) of the Land Title Act); or
- if the caveator does not agree to the registration of the applicant for a lesser interest in the lot, issue a written notice to the caveator of the Registrar's intention to register the lesser interest and the caveator then has one month in which to begin proceedings in the Supreme Court to recover the lot. The caveator must, within one month of receiving the Registrar's notice, give written notice to the Registrar, in the way the Registrar requires, that the proceeding has started (by way of a Form 14 – General Request. Refer to [11-0130] and [11-2040]). If the caveator fails to commence proceedings within this time, the caveat will lapse and the Registrar may proceed to register the applicant (ss. 107(2), (3), (3A) and (4) of the Land Title Act).

If the Registrar is not satisfied that the caveator has an interest in the lot, or is satisfied that the interest of the caveator has been extinguished under the *Limitation of Actions Act 1974*, the Registrar will issue a notice to the caveator to start proceedings to recover the lot within six months of the notice (s. 105(1) of the Land Title Act). The caveat will lapse six months after the notice is given unless the caveator commences proceedings and notifies the Registrar, in the way the Registrar requires, of this within this period (s. 105(2) of the Land Title Act).

In addition, s. 105(3) of the Land Title Act provides that the caveat will lapse if:

- the proceeding is withdrawn or dismissed;
- judgement in the proceeding is given against the caveator and the time for appealing against the judgement expires without an appeal being lodged; or
- if judgement in the proceeding is given against the caveator and the judgement is appealed - the appeal is dismissed or withdrawn.

While the applicant's application for title by adverse possession is still current, a further caveat of the caveator can never be lodged in relation to the interest claimed on the same, or substantially the same, grounds unless the leave of the Supreme Court to lodge the further caveat has been granted (s. 106 of the Land Title Act).

2 Transmission by Death**[11-0080]**

The applicant of a lodged Transmission Application (see part 5, 5A, 6 – Transmission Applications) may be required by the Registrar to give public notice of the Transmission Application request (s. 18(2) of the *Land Title Act 1994*).

The Registrar may specify what the applicant is to include in the public notice (s. 18(4)(a) of the Land Title Act). For example, the Registrar may specify that the advertisement is to include a

date after which registration will take place unless a caveat is lodged before that date. In such a case, the provisions in Part 7, Division 2 of the Land Title Act would be applicable.

Pursuant to ss. 114(1) and (2) of the Land Title Act, certain persons may apply to the Supreme Court for an order that another person be registered as proprietor of a lot. In such a case, the Supreme Court may make an order that a caveat be lodged to protect a person's interest in the lot (s. 114(3)(c) of the Land Title Act).

²Purchaser under an Instalment Contract

[11-0090]

Section 74(1) of the *Property Law Act 1974* gives a purchaser under an instalment contract for the sale of land registered under the *Land Title Act 1994* the right to lodge a caveat.

Section 74(1A) of the Property Law Act specifically states that such a caveat is not taken to have been lodged under Part 7, Division 2 of the Land Title Act. Therefore, it is a non-lapsing caveat (s. 126 of the Land Title Act). However, the caveat is limited to the duration of the instalment contract.

Caveats lodged under s. 74(1) of the Property Law Act 'forbid the registration of any instrument affecting the land the subject of the contract until completion of the instalment contract', or until the caveat is removed or withdrawn (s. 74(2) of the Property Law Act). As a result of s. 74(1A) of the Property Law Act, the provisions of the Land Title Act in respect of caveats do not apply to caveats lodged under s. 74. Section 73 of the Property Law Act makes provision for sale or mortgage of the land the subject of the instalment contract with the consent of the purchaser. However, to allow any other transaction (e.g. a lease or easement), the caveat must be withdrawn and a further caveat lodged (Note: s. 129 of the Land Title Act does not apply to prevent a further caveat from being lodged on the same, or substantially the same, grounds). The exceptions to the prevention of registration in s. 124(2) of the Land Title Act do not apply to caveats lodged under s. 74 of the Property Law Act.

Section 74(2) of the Property Law Act provides that instalment contract caveats lodged under s. 74 may be removed by interested parties. Removal follows proof to the satisfaction of the Registrar of Titles or the court that:

- the purchaser under the instalment contract has consented to the removal; or
- the instalment contract has been rescinded, determined or discharged by performance or otherwise; or
- other grounds exist that justify the removal.

Section 72 of the Property Law Act clarifies that an instalment contract is not determined immediately on default in the payment of an instalment by the purchaser. Before the contract may be determined, at least 30 days must have expired since service on the purchaser of a notice of default as prescribed in the Act.

Refer to [11-2015] for practice and [14-2120] for removal and withdrawal.

^{2,3}Interest Holder under a Notice Deposited under the *Water Act 2000*

[11-0095]

Under s. 171(3) of the Water Act (the Act) an interest holder in a former water entitlement who has given the Chief Executive notice about a water allocation under s. 73(1)(b) of the Act may, within 60 business days of the water allocation being recorded in the register under s. 146(1)(b) of the Act or before the interest mentioned in the notice is recorded on the register, lodge a caveat claiming an interest in the water allocation.

Once the caveat is lodged under s. 171 of the Act claiming an interest in the water allocation, the equivalent interest continues until the interest claimed in the caveat is recorded on the water

allocations register or the caveat lapses, or is otherwise cancelled, removed or withdrawn (s. 171(3) of the Act).

Under s. 171(4) of the Act the Registrar must not record any other dealing for the water allocation, other than a notice mentioned in s. 172(1) of the Act, until the caveat ceases to have effect in relation to the interest.

Effect of Caveat

[11-0100]

Subject to some exceptions, the lodgement of a caveat prevents the registration of an instrument or document affecting the lot or interest from the date and time endorsed on the caveat by the Registrar at lodgement until the caveat is withdrawn, removed, cancelled, rejected or lapses (ss. 124(1) and (1A) of the *Land Title Act 1994* or ss. 389F(1) and (2) of the *Land Act 1994*).

¹Lodgement of a caveat, other than a caveat lodged pursuant to s. 171(3) of the *Water Act 2000*, does not prevent registration of the following:

- an instrument or document specified in the caveat as an instrument or document to which the caveat does not apply. The instrument or document may be identified by a dealing number if lodged prior to the caveat or by way of description if it is to be lodged subsequent to the caveat.
- an instrument or document to which the caveator has given written consent for its registration. Please note that the consent of the Caveator to an instrument or document provided by way of a Form 18 – General Consent must be deposited with the instrument or document being consented to (see [18-2000]).
- an instrument or document executed by a mortgagee whose interest was registered before lodgement of the caveat if the mortgagee has power under the mortgage to execute the instrument or document and the caveator claims an interest in the lot or lease under the Land Act as security for the payment of money or money's worth. This exception does not apply to a Registrar's caveat under section 17 of the Land Title Act.
- a transfer of mortgage executed by a mortgagee whose interest was registered before lodgement of the caveat. This exception does not apply to a Registrar's caveat under section 17 of the Land Title Act or to a caveat lodged by the registered owner under section 122(1)(c) of the Land Title Act.
- for a caveat lodged by a person with the benefit of an order restraining a registered proprietor under s. 122(1)(e) of the Land Title Act or a lessee under 389D(1)(c) of the Land Act – a dealing other than a dealing restrained by the order. For example, a caveat lodged by a person with the benefit of an order that restrains the registered owner of a lot from transferring or mortgaging the lot will not prevent the registration of an instrument of lease for the lot.
- an instrument or document creating or affecting another interest that, if registered, would not affect the interest claimed by the caveator. For example, a release of mortgage or a change of name.
- a writ of execution lodged after the caveat.
- a writ of execution lodged before the caveat that is unregistered at the time of lodgement of the caveat.

However, the caveat will prevent registration of a Sheriff's transfer pursuant to a writ of execution. Lodgement of a caveat does not prevent a caveat by another caveator being lodged.

Notification of Caveat

[11-0110]

When a caveat is lodged, the Registrar must give written notice to:

- ²each registered proprietor of the lot affected by the caveat;
- ^{1,3}each lessee or licensee affected by the caveat; and
- each other person whose interest or whose right to registration of an instrument or document is affected by the caveat.

See further [11-2030] and s. 123 of the *Land Title Act 1994* or s. 389E of the *Land Act 1994*.

²Caveatee's Notice to Caveator and Notification to Registrar – Form 14 (Caveatee's Notice)

[11-0120]

The caveatee under a lodged caveat may serve a notice on the caveator to start a proceeding in a court of competent jurisdiction, within 14 days of service of the notice, to establish the interest claimed in the caveat (s. 126(2)(a) of the *Land Title Act 1994*).

The Land Title Act defines a caveatee as a registered proprietor of the lot, or someone (other than the caveator) who has an interest in the lot.

Section 126(2)(b) of the Land Title Act further requires a caveatee to notify the Registrar within 14 days of the service of such notice on the caveator. The notification to the Registrar must be made by way of a Form 14 – General Request (Caveatee's Notice).

No deposit fee is payable for a Form 14 – General Request (Caveatee's Notice). Refer to [11-2035] for practice requirements, Example 6 and the Guide to completion at [11-4100]. See also [52-0020].

The notification will be recorded as an administrative advice and entered on title as NOTICE (see [52-2000]).

If the caveator does not commence a proceeding within the 14 day period and notify the Registrar, the caveat will lapse (s. 126(5) of the Land Title Act).

When a dealing being registered has the effect of removing a caveat from title, the Registrar will also remove any caveatee's notice which is associated with the caveat.

²Caveator's Notice to Registrar – Form 14 (Notice of Action)

[11-0130]

If a caveator does not want a lapsing caveat to lapse under section 126 of the *Land Title Act 1994*, a caveator must:

- start a proceeding in a Court of competent jurisdiction to establish the interest claimed under the caveat; and
- deposit a Form 14 – General Request (Notice of Action) within specified time limits (see [11-0190] for details of the specified time limits) to notify the Registrar that a proceeding has been started.

Note: It is not sufficient to deposit a copy of the originating proceeding or a copy of a court order **with the caveat** to comply with the requirements of s. 126(4)(b) of the Land Title Act. A separate Form 14 – General Request (Notice of Action) must be deposited.

No deposit fee is payable for a Form 14 – General Request (Notice of Action).

Refer to [11-2040] for practice requirements, Example 7 and the Guide to completion at [11-4100]. See also [52-0010].

The Notice of Action will be recorded as an administrative advice and entered on title as NTCE OF ACTN (see [52-2000]).

The entry of a Notice of Action as an administrative advice on a title does not automatically prevent a caveat from lapsing, as there are other factors which determine the effect of a Notice of Action, including:

- (a) whether the Notice of Action was deposited within the prescribed time; and
- (b) whether the proceedings:
 - (i) have been started in a court of competent jurisdiction; and
 - (ii) seek to establish the interest claimed in the caveat.

If any of the above factors are not met, the notice will not have any effect on the caveat. A requisition will be issued for the notice to be withdrawn from the registry within seven days.

If a deficiency other than those mentioned above is found in the notice during examination, a requisition will be issued. For further information see [11-2100] and part 60 – Miscellaneous, esp [60-0030].

If a dealing being registered has the effect of removing a caveat from the title, the Registrar will also remove any Notice of Action that is associated with that caveat.

Caveatee’s Proceedings in the Supreme Court

[11-0140]

Pursuant to s. 127 of the *Land Title Act 1994* or s. 389H of the *Land Act 1994*, the caveatee may at any time apply to the Supreme Court for an order that the caveat be removed (see also [11-0200]).

Further Caveat

[11-0150]

If a caveat (the original caveat) is lodged in relation to an interest, a further caveat with the same caveator can never be lodged on the same, or substantially the same, grounds as the grounds stated in the original caveat unless the leave of a court of competent jurisdiction to lodge the further caveat has been granted (s. 129 of the *Land Title Act 1994* and s. 389J of the *Land Act 1994*). Evidence of the leave of a court of competent jurisdiction to lodge the further caveat must be deposited with the further caveat. The Registrar will scrutinise previous caveats lodged by the caveator over the same title to determine whether the current caveat has been lodged on the same, or substantially the same grounds.

²Compensation

[11-0160]

Pursuant to s. 130(1) of the *Land Title Act 1994*, a caveator under a caveat lodged or continued without reasonable cause must compensate anyone else who suffers loss or damage as a result. Section 130(2) of the *Land Title Act* specifically provides that a court of competent jurisdiction, when determining the compensation in such a proceeding, may include a component for exemplary damages. It is presumed that a caveat has been lodged or continued without reasonable cause until the caveator proves that there was reasonable cause (s. 130(3) of the *Land Title Act*).

²Lapsing of Caveat

[11-0170]

When a caveat lapses, the Registrar may remove it from the freehold land register (s. 126(7) of the *Land Title Act 1994*).

Refer to [11-0190] and [11-2050] for more information on the lapsing of a caveat.

Pursuant to s. 126(1) of the Land Title Act, a caveat will not lapse if it is lodged:

- by the registered owner (except for when s.126(1A) of the Land Title Act applies) or if his/her consent is deposited when the caveat is lodged;
- pursuant to a court order mentioned in ss. 122(1)(d) or (e) of the Land Title Act;
- by the Registrar under s. 17 of the Land Title Act; or
- other than under Part 7, Division 2 of the Land Title Act, e.g. a caveat by a purchaser under an instalment contract.

By virtue of s. 122(2) of the Land Title Act, a caveat lodged by an equitable mortgagee lapses, even if the consent of the registered proprietor was deposited at the time of lodgement.

²Consent of Registered Owner

[11-0180]

If a person with an interest in the lot lodges a caveat with the consent of the registered owner, the caveat will not lapse. The consent of the registered owner in Form 18 – General Consent must be deposited with the caveat and not at a later date. Whether the dating of the registered owner's consent is concurrent with, prior to or subsequent to the execution of the caveat is immaterial, as long as it is deposited with the caveat and the caveator is not an equitable mortgagee.

While the consent of the registered owner means that a caveat (other than an equitable mortgagee caveat) does not lapse, this does not mean that a person may lodge a caveat, whether or not he/she has an interest in the land, by relying simply on the consent.

²Automatic Lapsing

[11-0190]

Section 126 imposes time limits on the duration of a caveat lodged under Part 7, Division 2 of the *Land Title Act 1994*, depending upon the action (or inaction) of the caveator and the caveatee after the caveat is lodged. The scenarios are as follows:

Scenario 1 – Notice by Caveatee pursuant to s. 126(2) of the Land Title Act

- Pursuant to s. 126(2) of the Land Title Act, the caveatee:
 - may serve on the caveator a notice requiring the caveator to start a proceeding in a court of competent jurisdiction to establish the interest claimed under the caveat; and
 - must notify the Registrar by depositing a Form 14 – General Request within 14 days of service of this notice upon the (see [11-0120] and [11-2035]).

Even if the caveatee serves a notice on the caveator, but fails to notify the Registrar by depositing a Form 14 – General Request (Caveatee's Notice), the notice will not be effective under s. 126(2) of the Land Title Act.

- If the caveatee complies with the above process and the caveator does not:

- start a proceeding to establish the interest claimed in a court of competent jurisdiction within 14 days after the notice is served; and
- notify the Registrar by depositing a Notice of Action in a Form 14 – General Request (see [11-0130] and [11-2040]) within that 14 day period;

the caveat will lapse at the expiry of the 14 days or three months after lodgement of the caveat, whichever is earlier (s. 126(5) of the Land Title Act).

Even if the caveator starts a proceeding, but fails to notify the Registrar, the caveat will lapse at the end of the applicable period as above (s. 126(4)(b) of the Land Title Act).

See Example 9 and the guide to completion at [11-4200].

- If the caveator starts a proceeding and the Registrar is notified within the required period, the caveat will remain in force until the proceeding is determined by the court or the caveat is withdrawn.

Scenario 2 – No notice by Caveatee pursuant to s. 126(2) of the Land Title Act

- If the caveatee does not act pursuant to s. 126(2) of the Land Title Act (by serving a notice on the caveator and notifying the Registrar) – to prevent the caveat lapsing the caveator must within three months of the lodgement of the caveat:
 - start a proceeding to establish the interest claimed in a court of competent jurisdiction to establish the interest claimed; and
 - notify the Registrar by depositing a Notice of Action in a Form 14 – General Request (ss. 126(4)(a)(ii) and 126(4)(b) of the Land Title Act, see [11-0130] and [11-2040]).

In this case, the caveat will remain in force until the proceeding is determined by the court or the caveat is withdrawn.

- If a proceeding is not started and a Notice of Action in a Form 14 – General Request deposited within three months of the lodgement of the caveat, the caveat will lapse.

See Example 9 and the guide to completion at [11-4200].

Note: Under s. 126(6) the caveator is taken to have complied with s. 126(4)(a) if before the caveat was lodged a proceeding has been started in a court of competent jurisdiction to establish the interest claimed under the caveat; and the proceeding has not been decided, discontinued or withdrawn.

Removal by the Court

[11-0200]

Pursuant to s. 127 of the *Land Title Act 1994* or s. 389H of the *Land Act 1994*, a caveatee may apply at any time to the Supreme Court for an order that a caveat be removed.

The Supreme Court may make the order whether or not the caveator has been served with the application and may make the order on the terms it considers appropriate.

If an order is obtained, the Caveatee can remove the caveat by lodging a Form 14 – General Request to Remove Caveat. Refer to [11-2080] for practice requirements, Example 10 and the Guide to completion at [11-4100]. See also Part 14 esp. [14-2100].

Withdrawal

Registered Caveat

[11-0210]

A registered caveat may be withdrawn by the caveator by lodging a Form 14 – Request to Withdraw (s. 125 of the *Land Title Act 1994* or s. 389G of the *Land Act 1994*).

Refer to [11-2060] and [11-2065] for practice requirements, Example 8, 8A and 8B and the guide to completion at [11-4200].

See also Part 14 esp. [14-2100] and [14-2110].

Unregistered Caveat

[11-0220]

An unregistered caveat may be withdrawn by way of a letter signed by the caveator or the caveator’s current solicitor.

See [11-2070] and [14-2100].

Cancellation

[11-0230]

Cancellation on the basis of a Form 14 – General Request to Cancel a Caveat

Pursuant to s. 128 of the *Land Title Act 1994* or s. 389I of the *Land Act 1994*, the Registrar may cancel a caveat upon receipt of a Form 14 – General Request to Cancel Caveat if the Registrar is satisfied of a basis detailed in the table below.

Basis for cancellation of caveat	Legislation Reference
The interest claimed by the caveator has ceased or the claim to it has been abandoned or withdrawn	s. 128(1)(a) of the <i>Land Title Act 1994</i> s. 389I(2)(a) of the <i>Land Act 1994</i>
The claim of the caveator has been settled by agreement or otherwise satisfied	s. 128(1)(b) of the <i>Land Title Act 1994</i> s. 389I(2)(b) of the <i>Land Act 1994</i>
The nature of the interest claimed does not entitle the caveator to prevent registration of an instrument or document that has been lodged	s. 128(1)(c) of the <i>Land Title Act 1994</i> s. 389I(2)(c) of the <i>Land Act 1994</i>
For a caveat lodged by a person who has the benefit of an order mentioned in section 122(1)(e) of the <i>Land Title Act 1994</i> or 389D(1)(c) of the <i>Land Act 1994</i> – the proceeding in which the order was made has been discontinued or dismissed, or has otherwise ended	s. 128(1)(d) of the <i>Land Title Act 1994</i> s. 389I(2)(d) of the <i>Land Act 1994</i>

The Registrar must notify the caveator of the Registrar’s intention to cancel the caveat at least seven days before it is cancelled (s. 128(2) of the *Land Title Act* or s. 389I(3) of the *Land Act*). If no response is received within the seven days, the caveat will be cancelled.

Refer to [11-2090] for practice requirements, Example 11 (Form 14 – General Request to Cancel Caveat pursuant to s. 128(1)(a) of the *Land Title Act 1994*) and the guide to completion at [11-4200].

See also Part 14 esp. [14-2100].

Cancellation in other circumstances

The Registrar may cancel a caveat immediately before registering:

- an instrument or document that has been lodged that will, on registration, give full effect to the interest claimed in the caveat (s. 128(3) of the *Land Title Act 1994* or s. 389I(4) of the *Land Act 1994*); or
- an instrument of transfer lodged by a prior registered mortgagee if the Registrar is satisfied that section 124(2)(c) of the Land Title Act applies to allow the registration of the dealing (s. 128(3) of the Land Title Act).

The Registrar may also cancel a caveat lodged by a person who has the benefit of an order mentioned in section 122(1)(e) of the Land Title Act or 389D(1)(c) of the Land Act if:

- an instrument or document for a dealing other than a dealing restrained by the order is registered; and
- because of the registration of the instrument or document, the order can have no further effect to restrain dealings by the person subject to the order.

Overriding of Caveat

[11-0240]

¹ Pursuant to s. 12(5) of the *Acquisition of Land Act 1967*, a resumption of land by the State, a local government or some other ‘resuming authority’ cancels any caveat over the land.

A transfer by a prior registered mortgagee exercising a power of sale overrides a caveat if

- the mortgagee has power under the mortgage to execute the transfer; and
- the caveator claims an interest in the lot under the *Land Title Act 1994*; or lease under the *Land Act 1994*, as security for the payment of money or money’s worth (s. 124(2)(c) of the *Land Title Act 1994* or s. 389F(3)(c) of the *Land Act 1994*).

However, this does not apply to caveats lodged by the Registrar under section 17 of the Land Title Act.

Registration of a transfer of mortgage by a mortgagee whose interest was registered before the caveat is only prevented by a caveat of the Registrar or the registered owner (ss. 124(3) and (4) of the Land Title Act).

Legislation

[11-1000]

^{2,3} Application of the *Land Title Act 1994* to the *Water Act 2000*

Under the provisions of the Water Act, an interest or dealing may be registered in a way mentioned in the Land Title Act, subject to some exceptions.

A relevant interest or dealing may be registered in a way mentioned in the Land Title Act:

- as if a reference to the freehold land register is a reference to the water allocations register; and
- as if a reference to freehold land or land is a reference to a water allocation; and
- as if a reference to a lot is a reference to a water allocation; and

- (d) with any other necessary changes.

Reference to the registrar of titles in the *Land Title Act 1994* and *Land Act 1994* and reference to the registrar of water allocations in the *Water Act 2000*

Refer to [0-8100] and [0-8200] and [0-8300].

Practice

Requirements of a Caveat and [11-2000] deleted

[11-2010] Rejection moved to [11-2100]

Caveat by a purchaser under an instalment contract pursuant s. 74 of the *Property Law Act 1974*

[11-2015]

In addition to the general practice requirements that apply to a Form 11, the following specific practice requirements apply to a caveat lodged under s. 74 of the Property Law Act:

- Item 3 – the interest being claimed may be specified as ‘the interest of a purchaser under an instalment contract as defined by s. 71 of the *Property Law Act 1974*’;
- Item 4 – this item must state that the caveat is being lodged pursuant to s. 74 of the *Property Law Act 1974* and include the date of the instalment contract;
- Item 7 – paragraph (a) is to be amended to refer to the completion of the instalment contract mentioned in item 4; and
- a copy of the instalment contract must be lodged with the caveat.

Refer to [11-0090] for general law information and [14-2120] for removal or withdrawal.

Examination of Caveat or Caveatable Interest

[11-2020]

It is not the function of the Registrar of Titles to decide the rights and wrongs of any claim made by the caveator. However, every Form 11 - Caveat is required to have sufficient information (i.e. at Items 3 and 4 of the Form 11) to clearly describe that the caveator claims some currently existing legal or equitable interest in the lot amounting to a caveatable interest.

Notification of Caveat

[11-2030]

The names, capacity and addresses of the persons upon whom notices are required to be served must be detailed in Items 5 and 6 of the caveat (refer to [11-0110]).

The Registrar relies on the information provided by the caveator when providing notice to relevant persons under s. 123 of the *Land Title Act 1994* or s. 389E of the *Land Act 1994*.

²Caveatee’s Notice to Caveator and Notification to Registrar – Form 14 (Caveatee’s Notice)

[11-2035]

In addition to the general practice requirements that apply to a Form 14, the following specific practice requirements apply to a Form 14 – General Request (Caveatee’s Notice):

- Item 6 – must contain the dealing number of the caveat for which notice has been provided;
- details of the service of the notice (by hand, by fax, by post [including the date sent and service used] etc.) on the caveator must be provided to determine the application of the lapsing provisions under the *Land Title Act 1994*;
- a copy of the notice that was sent by the caveatee to the caveator must be deposited with the Form 14; and
- the notice sent by the caveatee to the caveator must contain sufficient information to link the notice to the caveat (e.g. the notice can refer to the dealing number of the caveat).

See Example 6 and the Guide to completion at [11-4100]. See [11-0120] for general law information.

No deposit fee is payable.

²Caveator’s Notice to Registrar – Form 14 (Notice of Action)

[11-2040]

In addition to the general practice requirements that apply to a Form 14, the following specific practice requirements apply to a Form 14 – General Request (Notice of Action):

- the Form 14 must clearly identify the caveat, the court action number of the proceeding, and all relevant titles; and
- a copy (see [60-1030]) of the originating proceeding showing the court action number must be deposited with the Form 14. The originating proceeding must:
 - seek to establish the interest claimed in the caveat*; and
 - be started in a court of competent jurisdiction[#].

* For example, if the caveator is claiming an equitable interest as the beneficiary of a constructive trust (and/or implied or resulting trust), the originating proceeding must seek to establish the existence of the constructive (and/or implied or resulting) trust rather than just claiming a monetary amount.

[#] Caveators should bear in mind the limited jurisdiction of inferior courts such as the Queensland Magistrates Court (particularly for equitable claims where the relief sought is not a monetary amount, see for example s. 4(c) *Magistrates Courts Act 1921*) and the Queensland Civil and Administrative Tribunal.

See Example 7 and the Guide to completion at [11-4100]. See [11-0130] for general law.

No deposit fee is payable.

²Lapsing of Caveat

[11-2050]

Any person can make a request to remove a lapsed caveat by lodging a Form 14 – General Request to Remove Lapsed Caveat.

A lapsed caveat can be removed whether it is registered or unregistered.

No lodgement fee is payable.

See Example 9 and the Guide to completion at [11-4200]. See also [14-2100].

Withdrawal

Registered Caveat

[11-2060]

A registered caveat may be withdrawn by the caveator by lodging a Form 14 – General Request to Withdraw Caveat (s. 125 of the *Land Title Act 1994* or s. 389G of the *Land Act 1994*).

This Form must be signed by a caveator or by the caveator's solicitor on the caveator's behalf. If signed by the caveator's solicitor on the caveator's behalf, the solicitor must also print their full name upon execution.

Lodgement fees apply for the Form 14 – General Request to Withdraw Caveat, but a duty notation is not required.

See Example 8 and the Guide to completion at [11-4200]. See also [14-2100].

Partial Withdrawal of registered Caveat by Caveator

[11-2065]

A partial withdrawal of a registered caveat may occur:

- where the caveat is registered over several lots, or leases or licences under the *Land Act 1994* contained in separate titles and is subsequently withdrawn in relation to one or more, but not all, of the lots, or leases or licences under the *Land Act* (see Example 8A); or
- ¹where the caveat is registered over one title that contains more than one lot and the withdrawal is for less than all the lots in that title (see Example 8B).

A caveator can partially withdraw a registered caveat by lodging a Form 14 – Request to Partially Withdraw Caveat.

The parcels or the part of the title over which the caveat is to be withdrawn must be clearly identified in Item 2 and the request must be signed by the caveator or the caveator's solicitor.

Lodgement fees apply to the Form 14 – General Request to Partially Withdraw Caveat, but a duty notation is not required.

See Example 8A and 8B and the Guide to completion at [11-4200]. See also [14-2110].

Unregistered Caveat

[11-2070]

An unregistered caveat may be withdrawn by way of a letter signed by the caveator or the caveator's current solicitor.

Removal by the Court

[11-2080]

A caveatee may at any time apply to the Supreme Court for an order that a caveat be removed (s. 127 of the *Land Title Act 1994* or s. 389H of the *Land Act 1994*).

If an order is obtained, the Caveatee can remove the caveat by lodging a Form 14 – General Request to Remove Caveat together with a copy (see [60-1030]) of the court order.

There is no duty payable on the Request, however normal lodgement fees are payable.

See Example 10 and the Guide to completion at [11-4200]. See also [14-2100].

Cancellation

[11-2090]

Any person, including the caveatee, may utilise the provisions of s. 128 of the *Land Title Act 1994* or s. 389I of the *Land Act 1994* to cancel a caveat by lodging a Form 14 – General Request to Cancel Caveat with sufficient evidence to satisfy the Registrar of a basis detailed in the table below.

Basis for cancellation of caveat	Legislation Reference
The interest claimed by the caveator has ceased or the claim to it has been abandoned or withdrawn	s. 128(1)(a) of the <i>Land Title Act 1994</i> s. 389I(2)(a) of the <i>Land Act 1994</i>
The claim of the caveator has been settled by agreement or otherwise satisfied	s. 128(1)(b) of the <i>Land Title Act 1994</i> s. 389I(2)(b) of the <i>Land Act 1994</i>
The nature of the interest claimed does not entitle the caveator to prevent registration of an instrument or document that has been lodged	s. 128(1)(c) of the <i>Land Title Act 1994</i> s. 389I(2)(c) of the <i>Land Act 1994</i>
For a caveat lodged by a person who has the benefit of an order mentioned in section 122(1)(e) of the <i>Land Title Act 1994</i> or 389D(1)(c) of the <i>Land Act 1994</i> – the proceeding in which the order was made has been discontinued or dismissed, or has otherwise ended	s. 128(1)(d) of the <i>Land Title Act 1994</i> s. 389I(2)(d) of the <i>Land Act 1994</i>

See also [11-0230] and [14-2100].

In addition to the general practice requirements that apply to a Form 14, the following specific practice requirements apply to a Form 14 – General Request to Cancel Caveat:

- Item 6 – this item must include the legislation reference (including subsection and paragraph) for the basis being relied upon to cancel the caveat (see the table above for the basis and legislation reference)*; and
 - * For example, Item 6 must include a reference to s. 128(1)(a) of the *Land Title Act 1994* if the applicant is asserting that the interest claimed by the caveator has ceased or the claim to it has been abandoned or withdrawn.
 - Items to be deposited – sufficient evidence must be included with the Form 14 – General Request to Cancel Caveat to satisfy the Registrar of the relevant basis from s. 128(1) of the *Land Title Act* or s. 389I(2) of the *Land Act* (see the table above)**.
- ** This evidence should include:
- a Form 20 – Declaration by the applicant or their solicitor setting out the grounds supporting the request; and
 - any documentary evidence supporting the ground for cancellation (e.g. where the applicant is asserting that the interest claimed by the caveator has ceased or the claim to it has been abandoned or withdrawn under s. 128(1)(a) of the *Land Title Act 1994* – a copy of a notice of discontinuance filed by the caveator).

Normal lodgement fees apply.

Refer to Example 11 (Form 14 – General Request to Cancel Caveat pursuant to s. 128(1)(a) of the *Land Title Act 1994*) and the guide to completion at [11-4200].

Rejection

[11-2100]

If a caveat is requisitioned pursuant to s. 156(1) of the *Land Title Act 1994* or s. 305(1) of the *Land Act 1994* and the requisition is not complied with within the rejection period specified in the requisition notice, the caveat may be rejected (s. 157(1)(a) of the *Land Title Act* or s. 306(1)(a) of the *Land Act*). A notice of intention to reject is generally given by the Registrar, allowing seven days for the lodger to respond prior to rejection. However, the failure to give a seven day courtesy notice of the rejection does not give the caveator protection against rejection.

²Under the *Land Title Act*, caveats lodged with the consent of the registered owner and caveats for which a notice of action has been deposited may be rejected if the requisition has not been complied with at the expiry of the rejection period.

A caveat requisitioned pursuant to s. 156(7) of the *Land Title Act* or s. 305(7) of the *Land Act* may be rejected at the end of the period specified in the requisition notice (s. 157(1)(b) of the *Land Title Act* or s. 306(1)(b) of the *Land Act*).

Forms

General Guide to Completion of Forms

[11-4000]

For general requirements for completion of forms see part 59 – Forms.

Guide to Completion of Form 11 for Examples 1 to 5

Duty

[11-4010]

A duty notation is required on a caveat where the claim refers to a document creating a mortgage or charge and the document was first signed before 1 July 2008.

Item 1

[11-4020]

Insert the full name of the caveator and an address where documents can be served on the caveator where indicated (this address may be the address of a stated legal practitioner).

If the caveator is claiming the interest in a certain capacity (for example as trustee), then such capacity must be specified after the name of the caveator (e.g. John Smith as Trustee).

If the caveator is acting as a Trustee in Bankruptcy then the prescribed name should be shown here (see [14-2170] and Example 5).

If there is more than one caveator, reference should be made in the address to ‘both of’ or ‘all of’, if such be the case, or individual addresses should be shown.

If there is insufficient space, insert “see Enlarged Panel” and use a Form 20 – Enlarged Panel (see [20-2020]).

Insert the lodger details and lodger code (if applicable) where indicated (see [59-2030]).

Item 2

[11-4030]

^{1,2}Freehold Description

The description of the relevant lot/s should always read ‘Lot [no.] on [plan reference]’. Plan references must contain the appropriate prefix (e.g. ‘SP’ for a survey plan, ‘RP’ for a registered

plan, ‘BUP’ for a building units plan, ‘GTP’ for a group titles plan or the relevant letters for crown plans). The area of the lot/s is not shown.

e.g.	Lot on Plan Description	Title reference
	Lot 27 on RP 204939	11223078

^{2,3}Water Allocation Description

A water allocation should be identified as ‘Water Allocation’, ‘Allocation’ or ‘WA’. All plans referring to water allocations are administrative plans. Administrative plan is abbreviated to AP as the prefix of the plan identifier.

e.g.	Lot on Plan Description	Title reference
	WA 27 on AP 7900	46012345

^{1,3}State Tenure Description

The description of the relevant State tenure should always read ‘Lot [no.] on [plan reference]’. Plan references must contain the appropriate prefix (e.g. ‘CP’ for crown plans).

e.g.	Lot on Plan Description	Title reference
	Lot 27 on CP LIV1234	40567123

^{1,2}If the caveat is against only part of the land, that part must be capable of precise identification and will require the inclusion of a sketch plan.

^{1,2}A caveat against a lot on a plan which has not yet been lodged will be accepted with a sketch plan identifying the land, however, the description in Item 2 should be as per the title.

^{1,2}If the plan has been lodged but not yet registered, the description should be as per the plan and the number of the plan should be included in Item 7 to indicate that the caveat does not apply to it.

^{2,3}If a caveat is against only part of a water allocation, that part must be described by indicating the number of megalitres affected.

Item 3, Item 4 and Examples

Item 3 Interest being claimed

[11-4040]

The nature of the interest claimed by the caveator must be precisely and clearly expressed and must relate to the fee simple under the *Land Title Act 1994*, a lease, licence or an interest in a reserve under the *Land Act 1994*, or a water allocation where applicable. The nature of the interest claimed by the caveator should be sufficiently described so that it is clear that the caveator is claiming some currently existing legal or equitable interest in the lot.

²Where the caveator claims the interest of a purchaser under an instalment contract pursuant to s. 74 of the *Property Law Act 1974* the interest being claimed may be specified as ‘the interest of a purchaser under an instalment contract as defined by s. 71 of the *Property Law Act 1974*’.

For some Item 3 wording examples refer to [11-4055] and caveat Examples 1 to 5.

Item 4 Grounds of claim

[11-4050]

Insert the grounds of the claim to sufficiently describe the basis upon which the caveator claims some currently existing legal or equitable interest in the lot. The grounds on which the claim is

being made must be clear, and wherever possible, supported by reference to some documentary evidence. The grounds upon which the claim is based should include the date and particulars of any writings upon which the caveator bases the claim.

Please note the following specific practice requirements:

- Where the caveator claims the interest of a purchaser under a valid unconditional contract of sale:
 - details of the contract, such as the date and parties must be included in this item (see Example 1 and the Item 3 and 4 Examples Table in [11-4055]); and
 - a copy of the contract of sale is not required to be lodged with the caveat;
- ²Where the caveator claims the interest of a purchaser under an instalment contract pursuant to s. 74 of the *Property Law Act 1974*:
 - this item must state that the caveat is being lodged pursuant to s. 74 of the *Property Law Act 1974* and include the date of the instalment contract; and
 - a copy of the instalment contract must be lodged with the caveat;
- Where the caveator is claiming a lease or option to lease:
 - the term of the lease/option must be stated in this item including when the lease/option commences (the date and/or event) and expires (the term length/expiry date and/or event);
 - the lease area must be accurately and precisely described in this item either:
 - where the lease area is the whole of a lot or lots – by referring to the land in Item 2 or the lot on plan description/s of the lot/s; or
 - where the lease area is for part of the land or part of a building – by referring to a deposited sketch plan* that accurately and precisely identifies the lease area (see requirement below); and
 - where the lease area is for part of the land or part of a building, a sketch plan* that accurately and precisely identifies the lease area must be deposited.
 - * A survey plan or a copy of a registered survey plan is also acceptable but architectural plans or concept plans are not acceptable. The sketch plan should be detailed enough to show the measured dimensions of the lease area; and
 - for a part of land lease – the location of the lease area in relation to the boundary of the lot; or
 - for a part of building lease – the location of the lease area within the building and the location of the building in relation to the boundary of the lot.
- Where the caveator is claiming an easement:
 - the easement area must be accurately and precisely described in this item either:
 - where the easement area is the whole of a lot or lots – by referring to the land in Item 2 or the lot on plan description/s of the lot/s; or

- where the easement area is for part of the land – by referring to a deposited sketch plan** that accurately and precisely identifies the easement area (see requirement below); and
- where the easement area is for part of the land, a sketch plan** that accurately and precisely identifies the easement area must be deposited.

** A survey plan or a copy of a registered survey plan is also acceptable but architectural plans or concept plans are not acceptable. The sketch plan should be detailed enough to show the measured dimensions of the easement area and the location of the easement area in relation to the boundary of the lot.

For some Item 4 wording examples refer to [11-4055] and caveat Examples 1 to 5.

While the Registrar does not presume to adjudicate a claim, there is no obligation on the part of the Registrar to automatically register any caveat lodged, even if it is lodged with the consent of the registered proprietor

²Some Item 3 and 4 Wording Examples

[11-4055]

Claim Category	Wording Example - Item 3 Estate or Interest Being Claimed	Wording Example - Item 4 Grounds of Claim
Purchase See Example 1	An equitable interest as purchaser of an estate in fee simple*	Pursuant to a contract/agreement in writing dated [DATE] between the registered owner [#] as vendor and the Caveator as purchaser.
Charge See Example 2 and Example 2A	An equitable interest as chargee of an estate in fee simple*	Pursuant to clause [CLAUSE NUMBER] in an agreement dated [DATE] between the registered owner [#] and the Caveator, whereby the registered owner agreed to charge all their interest in the land with payment of monies owing to the Caveator.
		Pursuant to an agreement between the registered owner and the Caveator dated [DATE], whereby the registered owner [#] agreed to charge all their interest in the land with payment of monies owing to the Caveator.
		Pursuant to clause [CLAUSE NUMBER] of that part of a written account application entitled 'Deed of Guarantee and Indemnity' dated [DATE] between the registered owner [#] and the Caveator by which the registered owner charged their interest in the land with payment of monies owing to the Caveator.
Mortgage See Example 3	An equitable interest as mortgagee of an estate in fee simple*	The Caveator claims an interest as mortgagee pursuant to clause [CLAUSE NUMBER] in an agreement dated [DATE] between the registered owner [#] and the Caveator charging the property to secure to the Caveator the money therein stated.
		The Caveator claims an interest as mortgagee pursuant to an unregistered mortgage in registrable form, to secure the money therein stated, executed by the registered owner [#] on [DATE].
Constructive Trust (and/or implied or resulting trust) See Example 4	An equitable interest in the fee simple estate*	Pursuant to a constructive and/or implied or resulting trust arising upon the financial and nonfinancial contributions of the Caveator to the acquisition, conservation and/or improvement of the property.

Claim Category	Wording Example - Item 3 Estate or Interest Being Claimed	Wording Example - Item 4 Grounds of Claim
Bankruptcy See Example 5	An equitable interest in the fee simple estate as Trustee in Bankruptcy of the estate of [NAME OF BANKRUPT REGISTERED OWNER], a bankrupt	Pursuant to section 58 of the <i>Bankruptcy Act 1966</i> , the property of [NAME OF BANKRUPT REGISTERED OWNER] vests in [NAME OF TRUSTEE IN BANKRUPTCY] as trustee appointed on [DATE].
Restraining Order	The Caveator has the benefit of a subsisting order of an Australian court in restraining the registered owner from dealing with the lot in Item 2	Pursuant to section 122(1)(e) of the <i>Land Title Act 1994</i> the caveator having the benefit of order [ORDER NUMBER] of the [COURT] Order made [DATE] (a certified copy deposited herewith), restraining [NAME OF REGISTERED PROPRIETOR], from dealing with the lot in Item 2.

* If the interest being claimed does not relate to all registered owners include “in the interest of [NAME OF REGISTERED OWNER/S]” (one or more, but not all, registered owners must be inserted).

e.g. An equitable interest as chargee of an estate in fee simple in the interest of Peter Jones.

If the interest being claimed does not relate to all registered owners include “identified in Item 3”.

e.g. Pursuant to clause 17 in an agreement dated 04/01/2020 between the registered owner identified in Item 3 and the Caveator, whereby the registered owner agreed to charge all their interest in the land with payment of monies owing to the Caveator.

Note: For caveats over State Leasehold lots – reference should be made to the relevant State Leasehold estate instead of the fee simple estate and to the lessee or licensee instead of the registered owner/proprietor. Any references to legislation should also be updated.

For caveats over water allocations – reference should be made to the water allocation instead of the fee simple estate (e.g., an equitable interest as mortgagee of a water allocation) and to the allocation holder instead of the registered owner/proprietor.

Item 5

[11-4060]

Insert in this item:

- the full name of every ²registered owner of the lot (^{1,3}or lessee or licensee) affected by the caveat, including any capacity under which they are registered (e.g. John Smith as Trustee); and
- the postal address of every ²registered owner of the lot (^{1,3}or lessee or licensee) affected by the caveat.

If there is insufficient space, insert “see Enlarged Panel” and use a Form 20 – Enlarged Panel (see [20-2020]).

Item 6

[11-4070]

Insert the full name/s (including capacity where applicable) and postal address/es of any other person/company/institution etc. having an interest in the land or State tenure that may be affected by the caveat (e.g. the mortgagee). A Form 20 – Enlarged Panel should be used if there is insufficient space.

Item 7

[11-4080]

Delete the paragraph and sentences that are not applicable to the type of caveat being dealt with and execute as required. ²Where the caveator claims the interest of a purchaser under an instalment contract pursuant to s. 74 of the *Property Law Act 1974* paragraph (a) is to be amended to refer to the completion of the instalment contract mentioned in item 4.

Instruments or documents to which the caveat does not apply must be identified by dealing number if they are lodged prior to the caveat. If the dealings are to be lodged subsequently, they must be identified by description, e.g. ‘Transfer from A to B dated [date]’ or ‘any lease by X as lessor’.

Solicitors must print their full name and qualification adjacent to their signature. Refer to Part 50 and Part 61 for more information about requirements for execution.

Example 1 – Equitable interest as purchaser

QUEENSLAND TITLES REGISTRY
Land Title Act 1994 and Water Act 2000

CAVEAT

Duty Imprint

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Dealing Number



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1. Caveator full name and address for service	Lodger (Name, address, E-mail & phone number)	Lodger Code
JOHN THOMAS BLAKE 29 ALBATROSS STREET CAMP HILL QLD 4152	JONES & CO. SOLICITORS 13 GRACE STREET BRISBANE QLD 4000 mail@jonescosolicitors.com.au (07) 3224 5555	21

2. Lot on Plan Description	Title Reference
LOT 811 ON RP 993662	17317021

3. Interest being claimed
An equitable interest as purchaser of an estate in fee simple

4. Grounds of claim
Pursuant to a contract/agreement in writing dated 04/01/2021 between the registered owner as vendor and the Caveator as purchaser

5. Registered owner full name and address	6. Other parties full name and address (eg Mortgagees)
KATHERINE MANNING 56 WHITE COURT WYNNUM QLD 4178	XYZ BANKING CORPORATION 1200 QUEEN STREET BRISBANE QLD 4000

7. Request/Execution

a) The Caveator claiming as per item 3 on the grounds detailed in item 4 and subject to the *Land Title Act 1994* forbids the registration of any instrument affecting the land described in item 2 until:
*this caveat is withdrawn by the Caveator
*the completion of the instalment contract mentioned in item 4 (only if Caveat is pursuant to Section 74 of the *Property Law Act 1974*)
~~#This caveat does not apply to the following instruments:-
Insert dealing number of lodged instrument or identify instrument type by date of execution and name of parties or delete if not applicable.~~

OR

b) ~~The Caveator claiming as per item 3 on the grounds detailed in item 4 and subject to the *Land Title Act 1994* forbids the entering of the application for adverse possession.~~

* delete if not applicable

R E Lee
ROBERT EDWARD LEE

20/01/2021
Execution Date

.....
Caveator's or Solicitor's Signature

Note: A Solicitor is required to print full name if signing on behalf of the Caveator

NOTE:

- A copy of the contract of sale is not required to be lodged with the caveat.
- Item 4 must contain details of the contract such as the date and parties.

Example 2 – Equitable interest as chargee by agreement

QUEENSLAND TITLES REGISTRY
Land Title Act 1994 and Water Act 2000

CAVEAT

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1. Caveator full name and address for service FREIGHT HANDLING PTY LTD ACN 123 456 789 C/- JONES & CO SOLICITORS 13 GRACE STREET BRISBANE QLD 4000	Lodger (Name, address, E-mail & phone number) JONES & CO. SOLICITORS 13 GRACE STREET BRISBANE QLD 4000 mail@jonescosolicitors.com.au (07) 3224 5555	Lodger Code 21
2. Lot on Plan Description LOT 6 ON RP 177662	Title Reference 19229134	
3. Interest being claimed An equitable interest as chargee of an estate in fee simple		
4. Grounds of claim Pursuant to clause 17 of an agreement dated 04/01/2021 between the registered owner and the Caveator, whereby the registered owner agreed to charge all their interest in the land with payment of monies owing to the Caveator		
5. Registered owner full name and address RICHARD JAMES 7 GERBERA STREET MELBOURNE VIC 3002	6. Other parties full name and address (eg Mortgagees) XYZ BANKING CORPORATION 1200 QUEEN STREET BRISBANE QLD 4000	
7. Request/Execution a) The Caveator claiming as per item 3 on the grounds detailed in item 4 and subject to the <i>Land Title Act 1994</i> forbids the registration of any instrument affecting the land described in item 2 until: *this caveat is withdrawn by the Caveator *the completion of the instalment contract mentioned in item 4 (only if Caveat is pursuant to Section 74 of the <i>Property Law Act 1974</i>) #This caveat does not apply to the following instruments:- # Insert dealing number of lodged instrument or identify instrument type by date of execution and name of parties or delete if not applicable. OR b) The Caveator claiming as per item 3 on the grounds detailed in item 4 and subject to the <i>Land Title Act 1994</i> forbids the entering of the application for adverse possession.		

* delete if not applicable

R E Lee
ROBERT EDWARD LEE

20/01/2021
Execution Date

.....
Caveator's or Solicitor's Signature

Note: A Solicitor is required to print full name if signing on behalf of the Caveator

NOTE:

- A duty notation is required if the document referred to as creating the charge was first signed before 1 July 2008

Example 2A – Equitable interest as chargee by deed of guarantee and indemnity

QUEENSLAND TITLES REGISTRY
Land Title Act 1994 and Water Act 2000

CAVEAT

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1. Caveator full name and address for service COMPANY AUSTRALIA PTY LTD ACN 123 456 789 123 COMPANY CLOSE BRISBANE QLD 4000	Lodger (Name, address, E-mail & phone number) JONES & CO. SOLICITORS 13 GRACE STREET BRISBANE QLD 4000 mail@jonescosolicitors.com.au (07) 3224 5555	Lodger Code 21
2. Lot on Plan Description LOT 33 ON RP 213130	Title Reference 34567112	
3. Interest being claimed An equitable interest as chargee of an estate in fee simple		
4. Grounds of claim Pursuant to clause 17 of that part of a written account application entitled 'Deed of Guarantee and Indemnity' dated 04/01/2021 between the registered owner and the Caveator by which the registered owner charged their interest in the land with payment of monies owing to the Caveator		
5. Registered owner full name and address GRANT THOMPSON 448 MARSDEN ROAD WAMURAN QLD 4512	6. Other parties full name and address (eg Mortgagees) ABC BANKING CORPORATION L 9 1000 BIG BANK DRIVE SYDNEY NSW 2000	
7. Request/Execution a) The Caveator claiming as per item 3 on the grounds detailed in item 4 and subject to the <i>Land Title Act 1994</i> forbids the registration of any instrument affecting the land described in item 2 until: *this caveat is withdrawn by the Caveator *the completion of the instalment contract mentioned in item 4 (only if Caveat is pursuant to Section 74 of the Property Law Act 1974) #This caveat does not apply to the following instruments:- # Insert dealing number of lodged instrument or identify instrument type by date of execution and name of parties or delete if not applicable. OR b) The Caveator claiming as per item 3 on the grounds detailed in item 4 and subject to the <i>Land Title Act 1994</i> forbids the entering of the application for adverse possession.		

* delete if not applicable

R E Lee
ROBERT EDWARD LEE

20/01/2021
Execution Date

.....
Caveator's or Solicitor's Signature

Note: A Solicitor is required to print full name if signing on behalf of the Caveator

NOTE:

- A duty notation is required if the document referred to as creating the charge was first signed before 1 July 2008

Example 3 – Equitable interest as mortgagee under an unregistered mortgage in registrable form

QUEENSLAND TITLES REGISTRY
Land Title Act 1994 and Water Act 2000

CAVEAT

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1. Caveator full name and address for service	Lodger (Name, address, E-mail & phone number)	Lodger Code
ABC BANKING CORPORATION LTD ACN 123 456 789 L 9 1000 BIG BANK DRIVE SYDNEY NSW 2000	JONES & CO. SOLICITORS 13 GRACE STREET BRISBANE QLD 4000 mail@jonescosolicitors.com.au (07) 3224 5555	21

2. Lot on Plan Description	Title Reference
LOT 4 ON RP 955211	12255187
LOT 5 ON RP 955211	12255187
LOT 120 ON RP 102421	13334452

3. Interest being claimed
An equitable interest as mortgagee of an estate in fee simple

4. Grounds of claim
The Caveator claims an interest as mortgagee pursuant to an unregistered mortgage in registrable form, to secure money therein stated, executed by the registered owner on 04/01/2021

5. Registered owner full name and address	6. Other parties full name and address (eg Mortgagees)
WILL RIPAY 123 DETTA AVENUE WILSON'S POCKET QLD 4570	

7. Request/Execution

- a) The Caveator claiming as per item 3 on the grounds detailed in item 4 and subject to the *Land Title Act 1994* forbids the registration of any instrument affecting the land described in item 2 until:
- *this caveat is withdrawn by the Caveator
 - ~~*the completion of the instalment contract mentioned in item 4 (only if Caveat is pursuant to Section 74 of the Property Law Act 1974)~~
- ~~#This caveat does not apply to the following instruments:-
Insert dealing number of lodged instrument or identify instrument type by date of execution and name of parties or delete if not applicable.~~
- OR
- b) ~~The Caveator claiming as per item 3 on the grounds detailed in item 4 and subject to the *Land Title Act 1994* forbids the entering of the application for adverse possession.~~

* delete if not applicable

R E Lee
ROBERT EDWARD LEE

20/01/2021
Execution Date

.....
Caveator's or Solicitor's Signature

Note: A Solicitor is required to print full name if signing on behalf of the Caveator

NOTE:

- A duty notation is required if the document referred to as creating the mortgage was first signed before 1 July 2008

Example 4 – Equitable interest as beneficiary of a constructive trust (and/or implied or resulting trust)QUEENSLAND TITLES REGISTRY
Land Title Act 1994 and Water Act 2000**CAVEAT**

Duty Imprint

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1. Caveator full name and address for service	Lodger (Name, address, E-mail & phone number)	Lodger Code
SUE-ELLEN GREEVES 123 PARTITION COURT SYDNEY NSW 2000	JONES & CO. SOLICITORS 13 GRACE STREET BRISBANE QLD 4000 mail@jonescosolicitors.com.au (07) 3224 5555	21
2. Lot on Plan Description	Title Reference	
LOT 10 ON RP 223344	13123066	
3. Interest being claimed An equitable interest in the fee simple estate		
4. Grounds of claim Pursuant to a constructive and/or implied or resulting trust arising upon the financial and nonfinancial contributions of the Caveator to the acquisition, conservation and/or improvement of the property		
5. Registered owner full name and address	6. Other parties full name and address (eg Mortgagees)	
MICHAEL JOHN GREEVES 123 DUPARTIA LANE WALLANGARRA QLD 4383	ABC BANKING CORPORATION L 9 1000 BIG BANK DRIVE SYDNEY NSW 2000	
7. Request/Execution		
a) The Caveator claiming as per item 3 on the grounds detailed in item 4 and subject to the <i>Land Title Act 1994</i> forbids the registration of any instrument affecting the land described in item 2 until: *this caveat is withdrawn by the Caveator *the completion of the instalment contract mentioned in item 4 (only if Caveat is pursuant to Section 74 of the <i>Property Law Act 1974</i>) #This caveat does not apply to the following instruments:- # Insert dealing number of lodged instrument or identify instrument type by date of execution and name of parties or delete if not applicable.		
OR		
b) The Caveator claiming as per item 3 on the grounds detailed in item 4 and subject to the <i>Land Title Act 1994</i> forbids the entering of the application for adverse possession.		

* delete if not applicable

R E Lee
ROBERT EDWARD LEE20/01/2021
Execution Date.....
Caveator's or Solicitor's Signature

Note: A Solicitor is required to print full name if signing on behalf of the Caveator

Example 5 – Equitable interest as Trustee in Bankruptcy

QUEENSLAND TITLES REGISTRY
Land Title Act 1994 and Water Act 2000

CAVEAT

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1. Caveator full name and address for service	Lodger (Name, address, E-mail & phone number)	Lodger Code
THE TRUSTEES OF THE PROPERTY OF JOHN REGINALD SMITH, A BANKRUPT LEVEL 99, 70 GRAND STREET SYDNEY NSW 2000	JONES & CO. SOLICITORS 13 GRACE STREET BRISBANE QLD 4000 mail@jonescosolicitors.com.au (07) 3224 5555	21
2. Lot on Plan Description	Title Reference	
LOT 811 ON RP 993662	17317021	
3. Interest being claimed	An equitable interest in the fee simple estate as Trustee in Bankruptcy of the estate of John Reginald Smith, a bankrupt	
4. Grounds of claim	Pursuant to section 58(1) of the Bankruptcy Act 1966 (Cth), the estate or interest of the bankrupt specified in Item 3 in the land described in Item 2, vests in the Trustees in Bankruptcy, Michael David Wright and Mark Lewis Walton	
5. Registered owner full name and address	6. Other parties full name and address (eg Mortgagees)	
JOHN REGINALD SMITH 842 SPRINGFIELD LANE WYNNUM QLD 4999	XYZ BANKING CORPORATION L 9 1000 BIG BANK DRIVE SYDNEY NSW 2000	
7. Request/Execution		
a) The Caveator claiming as per item 3 on the grounds detailed in item 4 and subject to the <i>Land Title Act 1994</i> forbids the registration of any instrument affecting the land described in item 2 until: *this caveat is withdrawn by the Caveator *the completion of the instalment contract mentioned in item 4 (only if Caveat is pursuant to Section 74 of the Property Law Act 1974) #This caveat does not apply to the following instruments:- # Insert dealing number of lodged instrument or identify instrument type by date of execution and name of parties or delete if not applicable.		
OR		
b) The Caveator claiming as per item 3 on the grounds detailed in item 4 and subject to the <i>Land Title Act 1994</i> forbids the entering of the application for adverse possession.		

* delete if not applicable

R E Lee
ROBERT EDWARD LEE

20/01/2021
Execution Date

.....
Caveator's or Solicitor's Signature

Note: A Solicitor is required to print full name if signing on behalf of the Caveator

NOTE:

- Item 1 – the prescribed name of the private trustee/s should be used (see 14-2170) e.g. The Trustee/s of the property of [NAME OF BANKRUPT], a bankrupt

²Guide to Completion of Form 14 for Examples 6 and 7

[11-4100]

Lodgement fees

[11-4110]

No lodgement fees apply to these administrative advices.

Item 1

[11-4120]

Insert the nature of request.

Form 14	Request	Item 1 Nature of Request Wording Examples
Example 6	Request to record notice pursuant to s. 126(2) of the <i>Land Title Act 1994</i> (NOT) [Caveatee's notification to Registrar]	REQUEST TO RECORD NOTICE PURSUANT TO SECTION 126(2) OF THE LAND TITLE ACT 1994
Example 7	Request to record notice of action pursuant to s. 126(4) of the <i>Land Title Act 1994</i> (NOA) [Caveator's notice to Registrar]	REQUEST TO RECORD NOTICE OF ACTION PURSUANT TO SECTION 126(4) OF THE LAND TITLE ACT 1994

Item 2

[11-4130]

Insert the lot on plan description and title reference of each lot over which the relevant caveat has been recorded.

¹Freehold Description

The description of the relevant lot/s should always read 'Lot [no.] on [plan reference]'. Plan references must contain the appropriate prefix (e.g. 'SP' for a survey plan, 'RP' for a registered plan, 'BUP' for a building units plan, 'GTP' for a group titles plan or the relevant letters for Crown plans). The area of the lot/s is not shown.

e.g.	Lot on Plan Description	Title reference
	Lot 27 on RP 204939	11223078

³Water Allocation Description

A water allocation should be identified as 'Water Allocation', 'Allocation' or 'WA'. All plans referring to water allocations are administrative plans. Administrative plan is abbreviated to AP as the prefix of the plan identifier.

e.g.	Lot on Plan Description	Title reference
	WA 27 on AP 7900	46012345

Item 3

[11-4140]

Insert the full name of the registered proprietor.

Item 4

[11-4150]

Insert interest – fee simple or water allocation.

Item 5**[11-4160]**

Insert the full name of the applicant including capacity (e.g. John Doe as Trustee).

Form 14	Request	Item 5 completion
Example 6	Request to record notice pursuant to s. 126(2) of the <i>Land Title Act 1994</i> (NOT) [Caveatee's notification to Registrar]	Insert the full name of the caveatee including capacity (e.g. John Doe as Trustee)
Example 7	Request to record notice of action pursuant to s. 126(4) of the <i>Land Title Act 1994</i> (NOA) [Caveator's notice to Registrar]	Insert the full name of the caveator including capacity (e.g. John Doe as Trustee)

Item 6**[11-4170]**

Insert full details of the request.

Form 14	Request	Item 6 Request Wording Examples
Example 6	Request to record notice pursuant to s. 126(2) of the <i>Land Title Act 1994</i> (NOT) [Caveatee's notification to Registrar]	I hereby request that: the Registrar of Titles be notified of service of notice on the caveator to start a proceeding in a court of competent jurisdiction to establish the interest claimed under caveat number 712345678, where notice in the form of a letter dated 22 January 2021 (deposited herewith) was sent by express post on that date to the caveator at the address for service of the caveator in item 1 of the caveat.*
Example 7	Request to record notice of action pursuant to s. 126(4) of the <i>Land Title Act 1994</i> (NOA) [Caveator's notice to Registrar]	I hereby request that: the Registrar of Titles be notified that proceeding number 123456/2021 (deposited herewith) has been started in the Supreme Court of Queensland seeking a declaration that Sue-Ellen Greeves holds an equitable interest in the land the subject of caveat number 712345678 pursuant to a constructive and/or implied or resulting trust arising upon the financial and nonfinancial contributions she made to the acquisition, conservation and/or improvement of the property.**

* The caveat number must be clearly identified and details of the service of the notice (by hand, by fax, by post [including the date sent and service used] etc.) on the caveator must be provided to determine the application of the lapsing provisions under the *Land Title Act 1994*.

** The caveat number and the court action number of the proceeding must be clearly identified.

Item 7**[11-4180]**

Complete and execute where indicated.

The request must be signed by the applicant or the applicant's solicitor (the solicitor's full name must be included).

Items to be deposited**[11-4190]**

Form 14	Request	Items to be deposited
Example 6	Request to record notice pursuant to s. 126(2) of the <i>Land Title Act 1994</i> (NOT) [Caveatee's notification to Registrar]	A copy of the notice served on the caveator ^a (e.g. a copy of a letter sent to the caveator at the address for service of the caveator in item 1 of the caveat).
Example 7	Request to record notice of action pursuant to s. 126(4) of the <i>Land Title Act 1994</i> (NOA) [Caveator's notice to Registrar]	A copy (see [60-1030]) of the originating proceeding showing the court action number. ^b

^a The notice sent by the caveatee to the caveator must contain sufficient information to link the notice to the caveat (e.g. the notice can refer to the dealing number of the caveat).

^b **Note:** The originating proceeding must:

- seek to establish the interest claimed in the caveat^c; and
- be started in a court of competent jurisdiction^d.

^c For example, if the caveator is claiming an equitable interest as the beneficiary of a constructive trust (and/or implied or resulting trust), the originating proceeding must seek to establish the existence of the constructive (and/or implied or resulting) trust rather than just claiming a monetary amount.

^d Caveators should bear in mind the limited jurisdiction of inferior courts such as the Queensland Magistrates Court (particularly for equitable claims where the relief sought is not a monetary amount, see for example s. 4(c) *Magistrates Courts Act 1921*) and the Queensland Civil and Administrative Tribunal.

Example 6 – Form 14 – General Request (Caveatee’s Notice) – Request to record notice pursuant to s. 126(2) of the *Land Title Act 1994* (Caveatee’s notification to Registrar)

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL REQUEST

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1. Nature of request

REQUEST TO RECORD NOTICE PURSUANT TO SECTION 126(2) OF THE LAND TITLE ACT 1994

Lodger (Name, address, E-mail & phone number)

SMITH & CO SOLICITORS
17 Peace Street
BRISBANE QLD 4000
mail@smithcosolicitors.com.au
(07) 3999 1111

Lodger Code
987

2. Lot on Plan Description

LOT 10 ON RP 223344

Title Reference

13123066

3. Registered Proprietor/State Lessee

MICHAEL JOHN GREEVES

4. Interest

FEE SIMPLE

5. Applicant

MICHAEL JOHN GREEVES

6. Request

I hereby request that: the Registrar of Titles be notified of service of notice on the caveator to start a proceeding in a court of competent jurisdiction to establish the interest claimed under caveat number 712345678, where notice in the form of a letter dated 22 January 2021 (deposited herewith) was sent by express post on that date to the caveator at the address for service of the caveator in Item 1 of the caveat.

7. Execution by applicant

R E Windward

ROBERTA ELIZABETH WINDWARD

25/01/2021

Execution Date

.....
Applicant's or Solicitor's Signature

Note: A Solicitor is required to print full name if signing on behalf of the Applicant

NOTE:

- A copy of the notice served on the caveator must be deposited. The notice sent by the caveatee to the caveator must contain sufficient information to link the notice to the caveat (e.g. the notice can refer to the dealing number of the caveat).
- Details of the service of the notice (by hand, by fax, by post [including the date sent and service used] etc.) on the caveator must be provided to determine the application of the lapsing provisions under the *Land Title Act 1994*.

Example 7 – Form 14 – General Request (Notice of Action) – Request to record notice of action pursuant to s. 126(4) of the *Land Title Act 1994* (Caveator's notice)

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL REQUEST

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1. Nature of request

REQUEST TO RECORD NOTICE OF ACTION
PURSUANT TO SECTION 126(4) OF THE LAND
TITLE ACT 1994

Lodger (Name, address, E-mail & phone number)

JONES & CO SOLICITORS
13 GRACE STREET
BRISBANE QLD 4000
mail@jonescosolicitors.com.au
(07) 3224 5555

**Lodger
Code**

21

2. Lot on Plan Description

LOT 10 ON RP 223344

Title Reference

13123066

3. Registered Proprietor/State Lessee

MICHAEL JOHN GREEVES

4. Interest

FEE SIMPLE

5. Applicant

SUE-ELLEN GREEVES

6. Request

I hereby request that: the Registrar of Titles be notified that proceeding number 123456/2021 (deposited herewith) has been started in the Supreme Court of Queensland seeking a declaration that Sue-Ellen Greeves holds an equitable interest in the land the subject of caveat number 712345678 pursuant to a constructive and/or implied or resulting trust arising upon the financial and nonfinancial contributions she made to the acquisition, conservation and/or improvement of the property.

7. Execution by applicant

R E Lee
ROBERT EDWARD LEE

28/01/2021

Execution Date

.....
Applicant's or Solicitor's Signature

Note: A Solicitor is required to print full name if signing on behalf of the Applicant

NOTE:

- the caveat number, the court action number of the proceeding and all relevant titles must be clearly identified.
- a copy (see [60-1030]) of the originating proceeding showing the court action number must be deposited. The originating proceeding must seek to establish the interest claimed in the caveat and be started in a court of competent jurisdiction.

Guide to Completion of Form 14 for Examples 8 to 11

[11-4200]

Lodgement fees and Duty

[11-4210]

Lodgement fees apply but a duty notation is not required.

Item 1

[11-4220]

Insert the nature of the request.

Form 14	Request	Item 1 Nature of Request Wording Examples
Example 8	Request to withdraw caveat pursuant to s. 125 of the <i>Land Title Act 1994</i>	REQUEST TO WITHDRAW CAVEAT PURSUANT TO SECTION 125 OF THE LAND TITLE ACT 1994
Example 8A and 8B	Request to partially withdraw caveat pursuant to s. 125 of the <i>Land Title Act 1994</i>	REQUEST TO PARTIALLY WITHDRAW CAVEAT PURSUANT TO SECTION 125 OF THE LAND TITLE ACT 1994
Example 9	² Request to remove lapsed caveat pursuant to s. 126(7) of the <i>Land Title Act 1994</i>	REQUEST TO REMOVE LAPSED CAVEAT PURSUANT TO SECTION 126(7) OF THE LAND TITLE ACT 1994
Example 10	Request to remove caveat pursuant to s. 127 of the <i>Land Title Act 1994</i> (pursuant to a court order)	REQUEST TO REMOVE CAVEAT PURSUANT TO SECTION 127 OF THE LAND TITLE ACT 1994
Example 11	Request to cancel caveat pursuant to s. 128(1) of the <i>Land Title Act 1994</i>	REQUEST TO CANCEL CAVEAT PURSUANT TO SECTION 128(1) OF THE LAND TITLE ACT 1994

Item 2

[11-4230]

Insert the lot on plan description and title reference of each lot to which the request relates.

Form 14	Request	Item 2 Completion
Example 8	Request to withdraw caveat pursuant to s. 125 of the <i>Land Title Act 1994</i>	Insert the lot on plan description and title reference of each lot over which the relevant caveat is recorded.
Example 8A and 8B	Request to partially withdraw caveat pursuant to s. 125 of the <i>Land Title Act 1994</i>	Only insert the lot on plan description and title reference of each lot from which the caveat is being withdrawn. Do not include the lot on plan description and title reference of any lots over which the caveat is to remain recorded.
Example 9	² Request to remove lapsed caveat pursuant to s. 126(7) of the <i>Land Title Act 1994</i>	Insert the lot on plan description and title reference of each lot over which the relevant caveat is recorded.

Form 14	Request	Item 2 Completion
Example 10	Request to remove caveat pursuant to s. 127 of the <i>Land Title Act 1994</i> (pursuant to a court order)	Insert the lot on plan description and title reference of each lot over which the relevant caveat is recorded.
Example 11	Request to cancel caveat pursuant to s. 128(1) of the <i>Land Title Act 1994</i>	Insert the lot on plan description and title reference of each lot over which the relevant caveat is recorded.

^{1,2}Freehold Description

The description of the relevant lot/s should always read ‘Lot [no.] on [plan reference]’. Plan references must contain the appropriate prefix (e.g. ‘SP’ for a survey plan, ‘RP’ for a registered plan, ‘BUP’ for a building units plan, ‘GTP’ for a group titles plan or the relevant letters for Crown plans). The area of the lot/s is not shown.

e.g.	Lot on Plan Description	Title reference
	Lot 27 on RP 204939	11223078

^{2,3}Water Allocation Description

A water allocation should be identified as ‘Water Allocation’, ‘Allocation’ or ‘WA’. All plans referring to water allocations are administrative plans. Administrative plan is abbreviated to AP as the prefix of the plan identifier.

e.g.	Lot on Plan Description	Title reference
	WA 27 on AP 7900	46012345

^{1,3}State Tenure Description

The description of the relevant State tenure should always read ‘Lot [no.] on [plan reference]’. Plan references must contain the appropriate prefix (e.g. ‘CP’ for crown plans).

e.g.	Lot on Plan Description	Title reference
	Lot 27 on CP LIV1234	40567123

Item 3

[11-4240]

Insert the full name of the registered proprietor/holder.

Item 4

[11-4250]

Insert interest. E.g. fee simple, water allocation or the type of State tenure e.g. State Lease.

Item 5

[11-4260]

Insert the full name of the applicant including capacity (e.g. John Doe as Trustee).

Form 14	Request	Item 5 completion
Example 8	Request to withdraw caveat pursuant to s. 125 of the <i>Land Title Act 1994</i>	Insert the full name including capacity of the caveator. (the applicant must be the caveator)

Form 14	Request	Item 5 completion
Example 8A and 8B	Request to partially withdraw caveat pursuant to s. 125 of the <i>Land Title Act 1994</i>	Insert the full name including capacity of the caveator. (the applicant must be the caveator)
Example 9	² Request to remove lapsed caveat pursuant to s. 126(7) of the <i>Land Title Act 1994</i>	Insert the full name of the person making the application. (any person can apply to remove a lapsed caveat)
Example 10	Request to remove caveat pursuant to s. 127 of the <i>Land Title Act 1994</i> (pursuant to a court order)	Insert the full name of the person making the application.
Example 11	Request to cancel caveat pursuant to s. 128(1) of the <i>Land Title Act 1994</i>	Insert the full name of the person making the application.

Item 6

[11-4270]

Insert full details of the request. The caveat number must be clearly identified.

For a Form 14 – General Request to Cancel Caveat, this item must include the legislation reference (including subsection and paragraph) for the basis being relied upon to cancel the caveat (see the table below).

Basis for cancellation of caveat	Legislation Reference
The interest claimed by the caveator has ceased or the claim to it has been abandoned or withdrawn	s. 128(1)(a) of the <i>Land Title Act 1994</i> s. 389I(2)(a) of the <i>Land Act 1994</i>
The claim of the caveator has been settled by agreement or otherwise satisfied	s. 128(1)(b) of the <i>Land Title Act 1994</i> s. 389I(2)(b) of the <i>Land Act 1994</i>
The nature of the interest claimed does not entitle the caveator to prevent registration of an instrument or document that has been lodged	s. 128(1)(c) of the <i>Land Title Act 1994</i> s. 389I(2)(c) of the <i>Land Act 1994</i>
For a caveat lodged by a person who has the benefit of an order mentioned in section 122(1)(e) of the <i>Land Title Act 1994</i> or 389D(1)(c) of the <i>Land Act 1994</i> – the proceeding in which the order was made has been discontinued or dismissed, or has otherwise ended	s. 128(1)(d) of the <i>Land Title Act 1994</i> s. 389I(2)(d) of the <i>Land Act 1994</i>

Item 6 Request Wording Examples

Form 14	Request	Item 6 Request Wording Examples
Example 8	Request to withdraw caveat pursuant to s. 125 of the <i>Land Title Act 1994</i>	I hereby request that: caveat number 712345678 be withdrawn.
Example 8A and 8B	Request to partially withdraw caveat pursuant to	I hereby request that: caveat number 723456899 be partially withdrawn so far as relates to the Land described in Item 2 above.

Form 14	Request	Item 6 Request Wording Examples
	s. 125 of the <i>Land Title Act 1994</i>	
Example 9	² Request to remove lapsed caveat pursuant to s. 126(7) of the <i>Land Title Act 1994</i>	I hereby request that: caveat number 876543219 be removed pursuant to section 126(7) of the Land Title Act 1994 as the caveator has not met the requirements of section 126(4) of the Land Title Act 1994 and the caveat has lapsed.
Example 10	Request to remove caveat pursuant to s. 127 of the <i>Land Title Act 1994</i> (pursuant to a court order)	I hereby request that: in accordance with the Supreme Court order dated 12 December 2020 deposited herewith, caveat number 777444000 be removed.
Example 11	Request to cancel caveat pursuant to s. 128(1) of the <i>Land Title Act 1994</i> (Note: Example 11 is a request pursuant to s. 128(1)(a) of the <i>Land Title Act 1994</i>)	I hereby request that: caveat 732165485 be cancelled pursuant to section 128(1)(a) of the Land Title Act 1994 as the claim to the interest claimed by the caveator has been abandoned or withdrawn, as evidenced by the notice of discontinuance in Supreme Court proceeding 98765/2020 filed 17 February 2021 (copy deposited herewith).

Item 7**[11-4280]**

Complete and execute where indicated.

The request must be signed by the applicant or the applicant's solicitor (the solicitor's full name must be included).

Items to be deposited**[11-4290]**

For a Form 14 – General Request to Cancel Caveat, sufficient evidence must be included to satisfy the Registrar of the relevant ground from s. 128(1) of the *Land Title Act 1994* or s. 389I(2) of the *Land Act 1994* (see [11-2090]). This evidence should include:

- a Form 20 – Declaration by the applicant or their solicitor setting out the grounds supporting the request; and
- any documentary evidence supporting the basis for cancellation (e.g. where the applicant is asserting that the interest claimed by the caveator has ceased or the claim to it has been abandoned or withdrawn under s. 128(1)(a) of the *Land Title Act 1994* – a copy of a notice of discontinuance filed in the court by the caveator).

Items to be deposited with Examples 8 to 11

Form 14	Request	Items to be deposited
Example 8	Request to withdraw caveat pursuant to s. 125 of the <i>Land Title Act 1994</i>	Nil.
Example 8A and 8B	Request to partially withdraw caveat pursuant to	Nil.

Form 14	Request	Items to be deposited
	s. 125 of the <i>Land Title Act 1994</i>	
Example 9	² Request to remove lapsed caveat pursuant to s. 126(7) of the <i>Land Title Act 1994</i>	Nil.
Example 10	Request to remove caveat pursuant to s. 127 of the <i>Land Title Act 1994</i> (pursuant to a court order)	A copy (see [60-1030]) of the court order that orders the removal of the caveat.
Example 11	Request to cancel caveat pursuant to s. 128(1) of the <i>Land Title Act 1994</i> (Note: Example 11 is a request pursuant to s. 128(1)(a) of the <i>Land Title Act 1994</i>)	Because Example 11 is a request for cancellation pursuant to s. 128(1)(a) of the <i>Land Title Act 1994</i> , evidence must be deposited to satisfy the Registrar that the interest claimed by the caveator has ceased or the claim to it has been abandoned or withdrawn. This evidence should include a Form 20 – Declaration by the applicant or their solicitor setting out the grounds supporting the request and any documentary evidence supporting the basis for cancellation (e.g. a copy of a notice of discontinuance filed in the court by the caveator).

Example 8 – Form 14 Request to withdraw caveat (registered) pursuant to s. 125 of the *Land Title Act 1994*

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Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL REQUEST

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1. Nature of request

REQUEST TO WITHDRAW CAVEAT PURSUANT
TO SECTION 125 OF THE LAND TITLE ACT 1994

Lodger (Name, address, E-mail & phone number) **Lodger Code**

JONES & CO SOLICITORS
13 GRACE STREET
BRISBANE QLD 4000
mail@jonescosolicitors.com.au
(07) 3224 5555

21

2. Lot on Plan Description

LOT 10 ON RP 223344

Title Reference

13123066

3. Registered Proprietor/State Lessee

MICHAEL JOHN GREEVES

4. Interest

FEE SIMPLE

5. Applicant

SUE-ELLEN GREEVES

6. Request

I hereby request that: caveat number 712345678 be withdrawn.

7. Execution by applicant

R E Lee
ROBERT EDWARD LEE

28/01/2021
Execution Date

.....
Applicant's or Solicitor's Signature

Note: A Solicitor is required to print full name if signing on behalf of the Applicant

Example 8A – Form 14 Request to partially withdraw (registered) caveat (caveat registered over multiple lots on different titles and being withdrawn from all of the lots on one title)

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL REQUEST

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1. Nature of request

REQUEST TO PARTIALLY WITHDRAW CAVEAT
PURSUANT TO SECTION 125 OF THE LAND TITLE
ACT 1994

Lodger (Name, address, E-mail & phone number) **Lodger Code**

JONES & CO SOLICITORS
13 GRACE STREET
BRISBANE QLD 4000
mail@jonescosolicitors.com.au
(07) 3224 5555

21

2. Lot on Plan Description

LOT 120 ON RP 102421

Title Reference

13334452

3. Registered Proprietor/State Lessee

WILL RIPAY

4. Interest

FEE SIMPLE

5. Applicant

ABC BANKING CORPORATION LTD ACN 123 456 789

6. Request

I hereby request that: caveat number 723456899 be partially withdrawn so far as relates to the Land described in Item 2 above.

7. Execution by applicant

R E Lee
ROBERT EDWARD LEE

28/02/2021
Execution Date

.....
Applicant's or Solicitor's Signature

Note: A Solicitor is required to print full name if signing on behalf of the Applicant

NOTE:

- This partial withdrawal is based on Example 3 which was recorded over Lots 4 and 5 on RP 955211 (Title Reference 12255187) and Lot 120 on RP 102421 (Title Reference 13334452).
- This partial withdrawal withdraws the caveat only so far as relates to Lot 120 on RP 102421 (Title Reference 13334452).
- Following this partial withdrawal, the caveat will continue to be recorded over Lots 4 and 5 on RP 955211 (Title Reference 12255187).

Example 8B – Form 14 Request to partially withdraw (registered) caveat (caveat registered over one title with multiple lots and being withdrawn from one of the lots on that title)

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL REQUEST

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1. Nature of request

REQUEST TO PARTIALLY WITHDRAW CAVEAT
PURSUANT TO SECTION 125 OF THE LAND TITLE
ACT 1994

Lodger (Name, address, E-mail & phone number) **Lodger Code**

JONES & CO SOLICITORS
13 GRACE STREET
BRISBANE QLD 4000
mail@jonescosolicitors.com.au
(07) 3224 5555

21

2. Lot on Plan Description

LOT 5 ON RP 955211

Title Reference

12255187

3. Registered Proprietor/State Lessee

WILL RIPAY

4. Interest

FEE SIMPLE

5. Applicant

ABC BANKING CORPORATION LTD ACN 123 456 789

6. Request

I hereby request that: caveat number 723456899 be partially withdrawn so far as relates to the Land described in Item 2 above.

7. Execution by applicant

R E Lee
ROBERT EDWARD LEE

28/02/2021
Execution Date

.....
Applicant's or Solicitor's Signature

Note: A Solicitor is required to print full name if signing on behalf of the Applicant

NOTE:

- This partial withdrawal is based on Example 3 which was recorded over Lots 4 and Lot 5 on RP 955211 (Title Reference 12255187) and Lot 120 on RP 102421 (Title Reference 13334452).
- This partial withdrawal withdraws the caveat only so far as relates to Lot 5 on RP 955211 (Title Reference 12255187).
- Following this partial withdrawal, the caveat will continue to be recorded over Lot 4 on RP 955211 (Title Reference 12255187) and Lot 120 on RP 102421 (Title Reference 13334452).

Example 9 – Form 14 Request to remove lapsed caveat pursuant to s. 126(7) of the *Land Title Act 1994*

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Land Title Act 1994, Land Act 1994 and Water Act 2000

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1. Nature of request

REQUEST TO REMOVE LAPSED CAVEAT
PURSUANT TO SECTION 126(7) OF THE
LAND TITLE ACT 1994

Lodger (Name, address, E-mail & phone number) **Lodger Code**
987

SMITH & CO SOLICITORS
17 PEACE STREET
BRISBANE QLD 4000
mail@smithcosolicitors.com.au
(07) 3999 1111

2. Lot on Plan Description

LOT 33 ON RP 213130

Title Reference

34567112

3. Registered Proprietor/State Lessee

GRANT THOMPSON

4. Interest

FEE SIMPLE

5. Applicant

GRANT THOMPSON

6. Request

I hereby request that: caveat number 876543219 be removed pursuant to section 126(7) of the Land Title Act 1994 as the caveator has not met the requirements of section 126(4) of the Land Title Act 1994 and the caveat has lapsed.

7. Execution by applicant

28/01/2021
Execution Date

R E Windward
ROBERTA ELIZABETH WINDWARD
.....
Applicant's or Solicitor's Signature

Note: A Solicitor is required to print full name if signing on behalf of the Applicant

**Example 10 – Form 14 Request to Remove Caveat pursuant to s. 127 of the *Land Title Act 1994*
(pursuant to a court order)**

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

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1. Nature of request

REQUEST TO REMOVE CAVEAT
PURSUANT TO SECTION 127 OF THE LAND
TITLE ACT 1994

Lodger (Name, address, E-mail & phone number)

SMITH & CO.
SOLICITORS
17 PEACE STREET
BRISBANE QLD 4000
mail@smithcosolicitors.com.au
(07) 3999 1111

**Lodger
Code**

987

2. Lot on Plan Description

LOT 230 ON RP176

Title Reference

11223145

3. Registered Proprietor/State Lessee

JOHN DONALD BROWNE

4. Interest

FEE SIMPLE

5. Applicant

JOHN DONALD BROWNE

6. Request

I hereby request that: in accordance with the Supreme Court order dated 12 December 2020 deposited herewith, caveat number 777444000 be removed.

7. Execution by applicant

21/01/21

Execution Date

J D Browne

.....
Applicant's or Solicitor's Signature

Note: A Solicitor is required to print full name if signing on behalf of the Applicant

NOTE:

- A copy (see [60-1030]) of the court order ordering the removal of the caveat must be deposited.

Example 11 – Form 14 Request to cancel caveat pursuant to s. 128(1)(a) of the *Land Title Act 1994*QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000**GENERAL REQUEST**

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1. Nature of request

REQUEST TO CANCEL CAVEAT PURSUANT TO SECTION 128(1) OF THE LAND TITLE ACT 1994

Lodger (Name, address, E-mail & phone number)SMITH & CO SOLICITORS
17 PEACE STREET
BRISBANE QLD 4000
mail@smithcosolicitors.com.au
(07) 3999 1111**Lodger Code**

987

2. Lot on Plan Description

LOT 6 ON RP 177662

Title Reference

19229134

3. Registered Proprietor/State Lessee

RICHARD JAMES

4. Interest

FEE SIMPLE

5. Applicant

RICHARD JAMES

6. Request

I hereby request that: caveat 732165485 be cancelled pursuant to section 128(1)(a) of the Land Title Act 1994 as the claim to the interest claimed by the caveator has been abandoned or withdrawn, as evidenced by the notice of discontinuance in Supreme Court proceeding 98765/2020 filed 17 February 2021 (copy deposited herewith).

7. Execution by applicant*R E Windward*

ROBERTA ELIZABETH WINDWARD

28/02/2021

Execution Date.....
Applicant's or Solicitor's Signature

Note: A Solicitor is required to print full name if signing on behalf of the Applicant

NOTE:

- Evidence must be deposited with the request to satisfy the Registrar of the relevant ground from s. 128(1) of the *Land Title Act 1994* (e.g. for cancellation pursuant to s. 128(1)(a) – evidence must be deposited to satisfy the registrar that the interest claimed by the caveator has ceased or the claim to it has been abandoned or withdrawn).
- This evidence should include a Form 20 – Declaration by the applicant or their solicitor setting out the grounds supporting the request and any documentary evidence supporting the grounds for cancellation (e.g. for Example 11 a copy of a notice of discontinuance filed in the court by the caveator could be provided).

eConveyancing

[11-5000]

Electronic Conveyancing and Electronic Conveyancing Document [11-5010]

Electronic Conveyancing (or eConveyancing) is the term used to refer to the electronic preparation, lodgement, processing and registration of instruments and other documents (Electronic Conveyancing Documents) for the purposes of the *Land Title Act 1994*, *Land Act 1994* and other titling legislation. It is an alternative to the traditional ‘paper based’ conveyancing system which involves the manual completion, execution and lodgement of paper forms either at a Titles Registry lodgement office, by post or through eLodgement.

An Electronic Conveyancing Document is a document under the Electronic Conveyancing National Law (Queensland) (the ECNL) that is lodged electronically through an Electronic Lodgment Network (see s. 14B of the *Land Title Act 1994* and s. 7 of the ECNL).

For more information, refer to Part 62 – eConveyancing.

The terms Electronic Conveyancing and eConveyancing are used interchangeably in this Part and throughout the Land Title Practice Manual.

Scope Restrictions

[11-5100]

Refer to the [Titles Queensland website](#) for the list of transactions currently available through eConveyancing.

Electronic Conveyancing Mandate

[11-5105]

The eConveyancing mandate commenced on 20 February 2023 and applies to all industry professionals who are eligible to become subscribers of an Electronic Lodgment Network Operator (ELNO); as well as to Corporate Entities who are lodging a required instrument.

The mandate, introduced by the *Land Title Regulation 2022* provides that certain types of Titles instruments, known as required instruments, must be lodged through an Electronic Lodgment Network (ELN). For more information, refer to Part [62-6000] – eConveyancing Mandate.

The Form 11-Caveat and Request to Withdraw a Caveat (Form 14) are required instruments under the Regulation and are therefore required to be lodged through a ELN unless an exemption applies.

Because the Electronic Lodgment Network Operators (ELNOs) regularly update their functionality in conjunction with Titles Queensland, and the Queensland Revenue Office (QRO), a current list of required instruments and their inclusions and exemptions is maintained on the [Titles Queensland website](#) rather than in the Land Title Practice Manual to ensure the information is as current and accurate as possible.

ELN Subscribers should therefore refer to the [Titles Queensland website](#) for the list of required instruments to be lodged through eConveyancing as well as any exemptions that may apply. Specifically, ELN Subscribers should confirm that the instrument is not exempt and is included in the mandate before attempting to lodge the instrument by way of eConveyancing.

Exemptions to Required Instruments

[11-5110]

There are two categories of exemptions that may apply to required instruments, these are general exemptions, and instrument specific exemptions.

The general exemptions to the mandate are those which are contained in the Regulation and apply to all instruments required to be lodged through eConveyancing. These general exclusions can be found in Part [62-6022] of the Manual and on the [Titles Queensland website](#).

Instrument specific exemptions are those exclusions which apply only to a specific instrument (for example a Form 11 – Caveat and a Form 14 – General Request) and a list of these exclusions can be found on the [Titles Queensland website](#) and are updated from time to time as the functionality of each instrument changes.

When an Exemption Applies

[11-5115]

In circumstances where an exemption applies, an Exemption Request Form (ERF) should be completed. For Further information refer to Part [62-6040].

Prescribed Requirements – Form 11 (electronic)

[11-5200]

Under the Participation Rules (Queensland) a Prescribed Requirement is a published requirement of the Registrar that Subscribers to an Electronic Lodgment Network are required to comply with.

Currently there are no prescribed requirements for a Form 11 (electronic).

Attachments

[11-5300]

An attachment cannot be included with an Electronic Conveyancing Document unless:

- it is in the circumstances detailed in this section; and
- the attachment only includes the stated evidence required in those circumstances.

Attachments must be uploaded in portable document format (PDF). For information regarding uploading attachments, refer to the relevant Electronic Lodgment Network Operator.

Form 11 (electronic) – Caveat

[11-5310]

Currently there is no requirement or provision for any document or evidence to be included as an attachment with a Form 11 (electronic) lodged through eConveyancing.

Form 14 (electronic) – General Request

[11-5320]

General Request to withdraw caveat (registered) pursuant to s. 125 of the *Land Title Act 1994*

Currently there is no requirement or provision for any document or evidence to be included as an attachment with a General Request to withdraw caveat lodged through eConveyancing.

Execution and Certification

[11-5400]

The requirements for digitally signing and making certifications for an Electronic Conveyancing Document are contained in the Participation Rules (Queensland).

Electronic Forms

[11-5600]

Approved Electronic Forms

[11-5610]

Form 11 (electronic) – Caveat

A caveat that is an Electronic Conveyancing Document (an eConveyancing caveat) must be lodged through an Electronic Lodgment Network and be in the form approved by the Registrar under the Electronic Conveyancing National Law (Queensland). The eConveyancing caveat must be digitally signed by or for each caveator as required by the approved form and Participation Rules.

A representation of the electronic form approved by the Registrar under s. 7 of the Electronic Conveyancing National Law (Queensland) is shown on the following page.

Form 14 (electronic) – General Request

A General Request that is an Electronic Conveyancing Document (an eConveyancing General Request) must be lodged through an Electronic Lodgment Network and be in the form approved by the Registrar under the Electronic Conveyancing National Law (Queensland). The eConveyancing General Request must be digitally signed by or for each applicant as required by the approved form and Participation Rules.

A representation of the electronic form approved by the Registrar under s. 7 of the Electronic Conveyancing National Law (Queensland) is shown below.

CAVEAT

Lodger Details:

Privacy Statement

Collection of information from this form is authorised by legislation and is used to maintain publicly searchable records. For more information see the Department's website.

1. Caveator

2. Lot on Plan Description

Title Reference

3. Interest being claimed

4. Grounds of claim

5. Registered Owners

6. Other Parties

7. Request/Execution

The Caveator claiming as per item 3 on the grounds detailed in item 4 and subject to the Land Title Act 1994 forbids the registration of an instrument affecting the land described in item 2 until this caveat is withdrawn by the Caveator.

I certify that:

Signed by:

For
On behalf of
Dated:

GENERAL REQUEST

Lodger Details:

Privacy Statement

Collection of information from this form is authorised by legislation and is used to maintain publicly searchable records. For more information see the Department's website.

1. Nature of Request

2. Lot on Plan Description

Title Reference

3. Registered Proprietor/State Lessee

4. Interest

5. Applicant

6. Request

7. Execution

I certify that:

Signed by:

For
On behalf of
Dated:

Electronic Form Examples

[11-5620]

CAVEAT**812345678**

SY 800

21/01/2021 09:01:13

Lodger Details:

LEE WEI LAWYERS
999 OBLADI TERRACE
MELBOURNE VIC 3000**Privacy Statement**

Collection of information from this form is authorised by legislation and is used to maintain publicly searchable records. For more information see the Department's website.

1. CaveatorJOHN THOMAS CLARE
29 Albert Street
Camp Hill QLD 4152**2. Lot on Plan Description**

LOT 16 ON RP 54908

Title Reference

15432999

3. Interest being claimed

An equitable interest as purchaser of an estate in fee simple

4. Grounds of claim

Pursuant to a contract/agreement between the registered owner as vendor and the Caveator as purchaser, dated 04/01/2021

5. Registered OwnersJOHN IAN CLEWS
34 Long Street
WYNNUM QLD 4178**6. Other Parties**XYZ BANKING CORPORATION ACN 123 456 789
1200 Queen Street
BRISBANE QLD 4000**7. Request/Execution**

The Caveator claiming as per item 3 on the grounds detailed in item 4 and subject to the Land Title Act 1994 forbids the registration of an instrument affecting the land described in item 2 until this caveat is withdrawn by the Caveator.

I certify that:

1. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.
2. The Certifier has retained the evidence supporting this Registry Instrument or Document.
3. The Certifier has taken reasonable steps to verify the identity of the caveator or his, her or its administrator or attorney.

Signed by:

Robert Edward Lee
For LEE WEI LAYWERS
On behalf of
JOHN THOMAS CLARE
Dated: 21/01/2021

Electronic Form Notes for Completion – Form 11 (electronic)**[11-5700]**

Refer to the table below for notes for the completion of a Form 11 (electronic).

Item	Notes
Item 1	<p>Insert the full name of the caveator and an address where documents can be served on the caveator (this address may be the address of a stated legal practitioner).</p> <p>Only the legal entity name of the caveator is to be inserted in the name data fields. It is not permissible to include other words or symbols that are not part of the name of the caveator in any of the name data fields.</p> <p>Any other information such as ‘Administrator appointed’ or ‘in Liquidation’ is to be shown in the Organisation Status data field.</p>

Note: it is not currently possible to lodge an eConveyancing caveat where the caveator is a trustee, personal representative, statutory/trustee for sale or responsible entity or a registered owner.

GENERAL REQUEST

812345678

SY 102

28/01/2021 09:01:13

Lodger Details:

JONES & CO SOLICITORS
13 GRACE STREET
BRISBANE QLD 4000

Privacy Statement

Collection of information from this form is authorised by legislation and is used to maintain publicly searchable records. For more information see the Department's website.

1. Nature of Request

Withdrawal of Caveat 712345678

2. Lot on Plan Description

LOT 10 ON RP 223344

Title Reference

13123066

3. Registered Proprietor/State Lessee

MICHAEL JOHN GREEVES

4. Interest

Fee Simple

5. Applicant

SUE-ELLEN GREEVES

6. Request

I hereby request that the action described in Item 1 (Nature of request) be performed.

7. Execution

I certify that:

1. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.
2. The Certifier has retained the evidence supporting this Registry Instrument or Document.
3. The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
4. The Certifier has taken reasonable steps to verify the identity of the caveator or his, her or its administrator or attorney.

Signed by:

Robert Edward Lee
For JONES & CO SOLICITORS
On behalf of SUE-ELLEN GREEVES
Dated: 28/01/2021

Electronic Form Notes for Completion – Form 14 (electronic) – General Request to withdraw Caveat (registered) pursuant to s. 125 of the Land Title Act 1994 [11-5760]

Nil.

[11-6000] to [11-7060] deleted

Fees [11-8000]

Fees payable to the Titles Registry are subject to an annual review. Refer to the Titles Fee Calculator available online or see [60-8000].

Cross References and Further Reading [11-9000]

Part 2 – Mortgage (National Mortgage Form)

Part 5, 5A, 6 – Transmission Applications

Part 14 – General Request

Part 62 – eConveyancing

Queensland Conveyancing Law and Practice, CCH Australia Limited (loose-leaf service)

[Christensen, Dixon and Wallace, *Land Titles Law and Practice Queensland*](#) (Thomson Reuters, subscription service)

Colbran and Jackson, *Caveats*, FT Law and Tax Asia Pacific, 1996

Duncan and Vann, *Property Law and Practice in Queensland*, (Thomson Reuters, subscription service)

Lindsay, S, *Caveats Against Dealings in Australia and New Zealand*, The Federation Press, 1995

Notes in text [11-9050]

Note¹ – This numbered section, paragraph or statement does not apply to water allocations.

Note² – This numbered section, paragraph or statement does not apply to State land.

Note³ – This numbered section, paragraph or statement does not apply to freehold land.